



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, NOVEMBER 25, 2013 – 5:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – Veronica Vela Whitacre, City Commissioner

PRESENTATION of Miss McAllen Title Holders

PROCLAMATIONS – *41st Annual Nutcracker Ballet Production Days* – Deborah Case
- *National Hospice Month* - Jessica Rodriguez

1. PUBLIC HEARING:

A) ROUTINE ITEMS: *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

1. Request of Leticia Alvarez, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for an outdoor commercial recreation (soccer field) at 1.41 acres out of Lot 151, La Lomita Irrigation Construction Company Subdivision, Hidalgo County, Texas; 501 South Bentsen Road.

2. Request of Rocio Y. Solis, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for an event center at Lots 10 & 11, The District at McAllen Phase II Subdivision, Hidalgo County, Texas; 3400 North McColl Road, Suites G and H.

B) REZONING:

Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard. **TABLED**

C) CONDITIONAL USE PERMITS:

1. Request of Rene H. Alanis, for a Conditional Use Permit, for life of the use, for a personal wireless service facility at Lot 17, Block A, Cathey Courts Subdivision, Hidalgo County, Texas; 128 Beaumont Avenue. **TABLED**

2. Request of Ernesto Lozano, appealing the decision of the Planning & Zoning Commission of the November 5, 2013 meeting, denying a Conditional Use Permit, for one year, for a night club at Lots 7 & 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4037 Expressway 83, Suites 100, 105, and 110.

D) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.

END OF PUBLIC HEARING

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING

2. **CONSENT AGENDA:** *[All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]*
- A) Approval of minutes of various meetings.
 - B) Consideration of multiple contracts for Appraisal Services for Fiscal Year 2013-2014.
 - C) Consideration of renewal of Software Maintenance Agreement with Tyler Technologies (Incode software) and ESRI (GIS software).
 - D) Ordinance providing for a budget amendment for the Public Safety Building Additions & Renovations for the re-roofing of the existing building to replace the hail damaged roof.
 - E) Resolution approving an Advanced Funding Agreement with the Texas Department of Transportation for Ware Road from 3 Mile to 5 Mile.
 - F) Resolution expressing official intent to reimburse costs of projects from obligations to be issued by the City of McAllen and other matters related thereto.
 - G) Resolution authorizing the submission of a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, for funding under the Fiscal Year 2013 Assistance to Firefighters Grant Program.
 - H) Resolution authorizing the submission of a grant application to Firehouse Subs Public Safety Foundation for funding under the Fiscal Year 2014 Grant Program.
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the purchase of two (2) 35' Low Floor Buses for Metro McAllen.
 - B) Award of Contract for Electric Buses.
 - C) Award of Contract for the purchase of Computers from Dell, Inc. through the State of Texas, Department of Information Resources (DIR) Program.
 - D) Award of Contract for Professional Services for Assessment of Financial/Human Resources ERP System.
 - E) Award of Contract for Concrete Rip-Rap Improvements at Bentsen Road.
 - F) Consider approval of Change Order No. 2 for Drainage Improvements for Kendlewood Avenue from 19th Street to 22nd Street.

- G) Consider approval of an Advanced Funding Agreement with the Texas Department of Transportation for SH 336 (10th Street) medians from Trenton Road to SH 107.

4. ORDINANCES:

- A) Budget Amendment for East Redbud Avenue at North “K” Center Avenue Drainage Improvements Project.
- B) Budget Amendment for participation with the widening of Freddy Gonzalez between 23rd Street and 2,600 feet to the east.
- C) Budget Amendment associated with a Developer’s Contract for participation with Bicentennial Crossing Subdivision public improvements of right turn lane.

5. MANAGER’S REPORT:

- A) Presentation of Year-to-Date Tax Collection Report from October 1, 2012 through September 30, 2013.
- B) Presentation of Delinquent Tax Collection Report from October 1, 2012 through September 30, 2013.
- C) Status Report on Parks and Recreation Construction Projects.
- D) Status Report on various City Projects.
- E) Status Report on the Terminal Expansion Construction Project.
- F) Report on Subdivisions and Development.
- G) Consideration and approval of budget reclassification from Development Corporation of McAllen, Inc. for various City projects.
- H) Future Agenda Items.

PUBLIC COMMENT SESSION

6. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

- A) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Sections 551.072 and 551.071, T.G.C.)
- B) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 3, A.J. McColl Subdivision, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- C) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 5, Hidalgo Canal Company’s Subdivision, Hidalgo County, Texas and approve related resolution and budget amendment ordinance. (Sections 551.072 and 551.071, T.G.C.)
- D) Discussion and Possible Action authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 5, Hidalgo Canal Company’s

Subdivision, Hidalgo County, Texas and approve related resolution and budget amendment ordinance. (Sections 551.072 and 551.071, T.G.C.)

- E) Discussion and Possible action regarding making an offer to acquire a tract of land out of Lot 9, Block 24, Original Townsite, City of McAllen, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- F) Consultation with City Attorney regarding legal aspects of human resources process. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney on potential litigation: Celso Gonzalez Construction, Inc. vs. City of McAllen, Texas/McAllen-Hidalgo Bridge Pedestrian Canopy. (Section 551.071, T.G.C.)
- H) Consideration of economic development matters. (Section 551.087, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME. THE CITY COMMISSION MAY ELECT TO GO INTO EXECUTIVE SESSION ON ANY ITEM WHETHER OR NOT SUCH ITEM IS POSTED AS AN EXECUTIVE SESSION ITEM AT ANY TIME DURING THE MEETING WHEN AUTHORIZED BY THE PROVISIONS OF THE OPEN MEETINGS ACT.

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 22nd day of November, 2013 at 2:00 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Annette Villarreal, TRMC/CMC, CPM
City Secretary

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: November 19, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE NOVEMBER 5, 2013 MEETING, DENYING THE REQUEST OF LETICIA ALVAREZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN OUTDOOR COMMERCIAL RECREATION USE (SOCCER FIELD) AT 1.41 ACRES OF LOT 151, LA LOMITA (HOIT) SUBDIVISION; 501 SOUTH BENTSEN ROAD.

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located at the southeast corner of Erie Avenue and South Bentsen Road and is zoned R-1 (single family residential) and A-O (agricultural and open space) Districts. The adjacent zoning is A-O District to the north, east and west, and R-1 (single family residential) District to the south. Surrounding land uses include single family residences and vacant land. An outdoor commercial recreational use is allowed in an A-O zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit for this use was approved for one year, on October 10, 2011 by the City Commission with variances and restrictions as follows: A variance to the distance requirement from a residence; allowing only the construction of restrooms on site without subdividing the property, no concession stand or other construction; allowing the usage of the large and one small soccer field; hours of operation to conclude at 11:00 p.m. during the week; comply with landscaping; allow the use with a Conditional Use Permit in an R-1 zone; and other Zoning Ordinance standards. Currently there are two soccer fields on this property.

On January 16, 2013, the Planning and Zoning Commission disapproved a request but with a favorable recommendation. The board also recommended granting the permit for 6 months with added conditions including the installation of a security gate at the entrance of the parking lot; fixing the nets on the southeast side; no trespassing to private property; and canopy to be removed or obtain proper building permits. The applicant had submitted a letter of appeal; however, the request was subsequently withdrawn. Another request was requested on March 5, 2013 but the Planning and Zoning Commission disapproved the request. On appeal the City Commission

disapproved the request on March 25, 2013.

Since the applicant was disapproved by City Commission the soccer fields may not be in operation. The Planning Department received a complaint that the soccer fields were still in operation. Code Enforcement advised the applicant that she could no longer operate due to her disapproval of the conditional use permit. The applicant spoke to staff about re-applying and staff advised her that there would be a wait period of six months to re-apply.

The applicant proposes to continue to operate the outdoor commercial recreation (soccer field) on the property. The hours of operation of the soccer field will be from 5 p.m. – 11:00 p.m. Monday thru Friday, 8 a.m. – 10 p.m. on Saturday and 10 a.m. – 8 p.m. on Sunday. During inspection staff observed the nets are in place over the soccer fields, a 15 ft. high fence has been in place at the south side of the property to keep soccer balls from going to the adjacent neighbor's property, the canopy had been removed, and a chain gate in the entrance been placed at the entrance of the parking lot.

The previous conditional use permits were approved for only two soccer fields (the large and one small), should any other grass area be used as a soccer field the permit will need to be amended, provided additional parking and comply with other additional requirements.

During the initial permit process it was established that for the main soccer field 30 parking spaces are required and for the smaller soccer field 14 parking spaces are required. This includes players, coaches and referees. The applicant has 30 seats which require 7 additional parking spaces for a total of 51 parking spaces required; 51 are provided on site. The property has access along S. Bentsen Road.

The establishment must comply with the Zoning Ordinance and recommended requirements in the application as follows:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use. This includes lighting, littering and noise which may include sound systems or PA's;
- 2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use;
- 3) The proposed use shall not be located within 300 ft. of residential uses. This property is located within 300 feet of a residentially zoned area to the south, west and east;
- 4) Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is provided in all directions of the property;
- 5) The proposed use shall comply with the Off-street Parking and loading Ordinance and make provisions to prevent the use of street parking especially in residential areas. It was established that for the main soccer field 30

parking spaces are required and for the smaller soccer field 14 parking spaces are required. This includes players, coaches and referees. The applicant has 30 seats which require 7 additional parking spaces for a total of 51 parking spaces required; 51 are provided on site;

- 6) The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories. Bathroom facilities are provided on site;
- 7) Lighting shall be shielded from residentially zoned or used property;

OPTIONS:

1. Approve the conditional use permit.
2. Table the item for additional information.
3. Disapprove the request.

UPDATE:

This item was heard and tabled at the Planning and Zoning Commission meeting of October 1, 2013 in order to allow the applicant time to bring a new operation plan for the outdoor recreation activity. At this time, staff has not received a new operational plan.

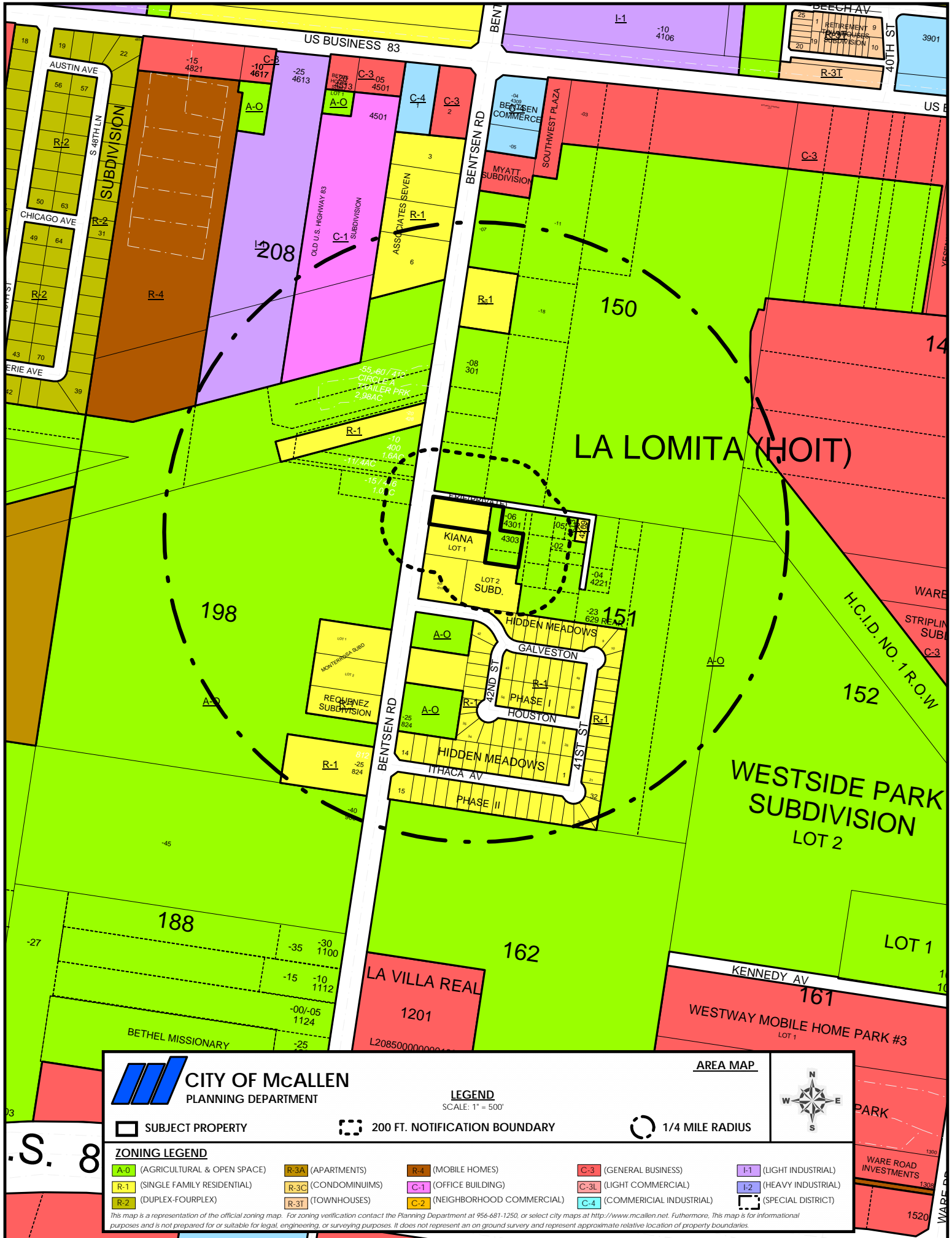
This item remained tabled at the Planning and Zoning Commission meeting of October 16, 2013. Prior to the submittal of the packets, staff receive some information for the operation of the establishment; however, staff needs to review and translate the information submitted. Staff will provide a summary at the meeting.

RECOMMENDATION:

This item was heard at the November 5, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition and the applicant was present with a representative.

Mr. Rene Flores, the applicant's representative, advised the board that the conditions previously stipulated on the permit such as securing the entrance with a gate, fixing the nets so that soccer balls don't go to adjacent properties, and removing the canopy have all been done. He stated that the applicant was willing to comply with all the necessary conditions. The applicant has a new manager, Mr. Alex Jose Reyes, who will help her and oversee the organizations plan and address any complaints.

Following discussion of the item, the board unanimously voted to disapprove the request due to non-compliance with requirement #3 (distance to residential uses) of the Zoning Ordinance, but with a favorable recommendation to grant the variance subject to the gate being closed when not in operation, security on site, no one allowed in the soccer fields after 11:00 p.m., parking lot lights off when not in operation, and no trespassing to adjacent properties. There were four members present and voting. The applicant submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



BENTSEN RD

ERIE (PRIVATE)

KIANA
LOT 1

LOT 2
SUBD.

HIDDEN MEADO


GALVESTON

ST

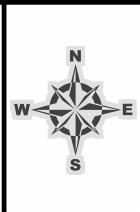


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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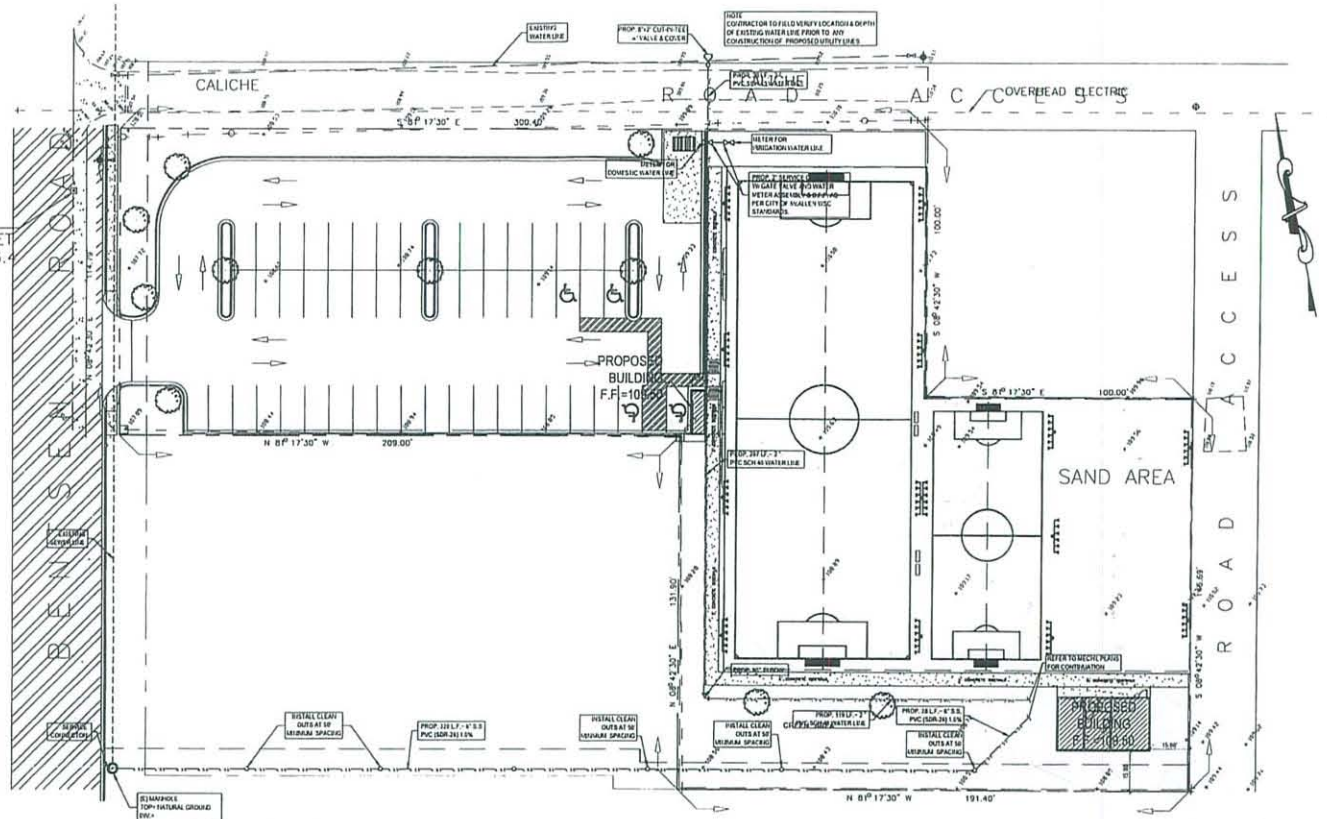
GENERAL NOTES:

1. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE CITY OF SAN ANTONIO STANDARDS AND SPECIFICATIONS AND THE SPECIFICATIONS OF THE ENGINEER.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL PUBLIC UTILITIES BY THE CONSTRUCTION OF THIS PROJECT. ALL MANHOLES, CULVERTS, VALVE BOXES, FIRE HYDRANTS, ETC. MUST BE ADJUSTED TO PROPER LINE AND GRADE BY THE CONTRACTOR PRIOR TO AND DURING THE PLACING OF PERMANENT PAVEMENT. UTILITIES SHALL BE MAINTAINED TO PROPER LINE AND GRADE DURING CONSTRUCTION OF THIS PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH ALL THE APPROPRIATE UTILITY COMPANIES FOR THE LOCATION OF ALL UTILITIES WITHIN THE CONSTRUCTION AREA.
4. THE PREPARATION OF THESE PLANS REFLECTS INFORMATION PROVIDED BY OTHERS ON THE APPROXIMATE LOCATION AND EXISTENCE OF EXISTING UTILITIES AND ADJACENT PHYSICAL FEATURES. HOWEVER, THEY DO NOT BUREAU FOR REVIEW THAT ALL UTILITIES OR PHYSICAL FEATURES ARE SHOWN. USUALLY, UTILITY SERVICE CONNECTIONS ARE NOT LOCATED FROM THESE PLANS. CONTRACTOR IS RESPONSIBLE FOR IDENTIFICATION OF THE OTHER PARTIES INVOLVED IN THE CONSTRUCTION OF THE PROJECT.
5. THE APPROXIMATE LOCATION OF EXISTING UTILITIES ARE SHOWN. CONTRACTOR SHALL DETERMINE THE EXACT HORIZONTAL AND VERTICAL LOCATIONS BY THE FIELD PRIOR TO COMMENCING WORK. CONTRACTOR TO BE FULLY RESPONSIBLE FOR DAMAGES WHICH MAY OCCUR BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE EXISTING UTILITIES.
6. THE PROPOSED CONTRACTOR SHALL COORDINATE WITH THE UTILITY CONTRACTOR TO FURNISH ALL SERVICES FOR INSTALLATION AND/OR REPAIRS PRIOR TO PLACEMENT OF PAVEMENT.
7. ALL HARDSCAPE AND EARTHWORK OPERATIONS SHALL CONFORM TO THE REQUIREMENTS PER THE GEOTECHNICAL REPORT.
8. ALL WATER LINES 6" AND ABOVE SHALL BE APPROX 18" CLASS 15RTP.
9. EXISTING WATER DEAD ENDS AND SANITARY SEWER LATERALS 2 FEET BENEATH PROPOSED CURBS OR AS INDICATED.
10. MAINTAIN THE MATCH RIGHT OR ALL PIPE THROUGH 12" DIA. SHALL BE 3'.
11. CONTRACTOR TO DESIGN AND INSTALL THURST BLOCKS AT ALL SEWER INTERFERENCE.
12. SEWER LINES SHALL BE 18" DIA.
13. FIRE HYDRANT AND WATER VALVE MUST BE 4" MINIMUM.
14. ALL CAST IRON FITTINGS MUST BE WRAPOFF IN PLASTIC.
15. FIRE SPROUHLER SERVICE LINE SHALL BE SIZED AND INSTALLED BY A STATE LICENSED FIRE SPROUHLER CONTRACTOR.
16. A STATE LICENSED SPROUHLER CONTRACTOR SHALL SUBMIT PLANS AND OBTAIN A PERMIT FROM THE FIRE DEPARTMENT PRIOR TO THE INSTALLATION OF THE SPROUHLER SYSTEM.

NOTES:

1. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE UNDERGROUND UTILITIES, WHETHER SHOWN OR NOT SHOWN ON THE DRAWINGS, SUFFICIENTLY IN ADVANCE OF OPERATION TO PRECLUDE DAMAGE TO SAME.
2. IN THE EVENT OF DAMAGE TO UNDERGROUND FACILITIES, WHETHER SHOWN OR NOT SHOWN IN THE DRAWINGS, THE CONTRACTOR SHALL MAKE THE NECESSARY REPAIRS TO PLACE THE FACILITIES BACK IN SERVICE AT NO INCREASE IN THE CONTRACTOR'S PRICE. AND ALL REPAIRS SHALL CONFORM TO THE REQUIREMENTS OF THE COMPANY OR AGENCY SERVING THE FACILITY.
3. THE CONTRACTOR SHALL EXERCISE EXTRA CARE TO PREVENT DAMAGE TO ALL OTHER STRUCTURES IN THE AREA INCLUDING BUILDINGS, FENCES, POLES, PHYSICAL UTILITIES, ETC. WHETHER PUBLIC OR PRIVATELY OWNED.
4. UTILITIES ACCEPTANCE BY THE ENGINEER OF ANY PART OR ALL OF THE CONSTRUCTION AS PROVIDED FOR IN THE PLANS AND SPECIFICATIONS IT SHALL BE UNDER THE CLOSEST SUPERVISION AND CARE OF THE CONTRACTOR, AND HE SHALL TAKE CARE BY NECESSARY PRECAUTIONS TO PREVENT DAMAGE TO ANY PART OF THE WORK. THE CONTRACTOR SHALL REPAIR OR REPLACE AND MAKE GOOD, AT HIS OWN EXPENSE, ALL DAMAGES OR DAMAGE TO ANY PORTION OF THE WORK BEFORE ITS COMPLETION AND ACCEPTANCE.
5. NO OPEN TRENCHES OF EXCAVATION SHALL BE LEFT OPEN OVERNIGHT.
6. COORDINATE ALL UTILITY WORK WITH TEXAS GAS SERVICE FOR ACCURATE DETERMINATION AND IDENTIFICATION OF ALL GAS LINES, WHETHER SHOWN OR NOT SHOWN IN THE DRAWINGS, SUFFICIENTLY IN ADVANCE OF OPERATION TO PRECLUDE DAMAGE TO SAME.
7. ALL WATERLINE TAPS AND WATERMETERS SHALL BE INSTALLED BY H.A.W. S.C. AT CONTRACTOR'S EXPENSE. COORDINATE BEFORE COMMENCING ANY UTILITY WORK.
8. COORDINATE ALL UTILITY WORK WITH PLUMBING PLANS BEFORE COMMENCING ANY UTILITY WORK. REFER TO PLUMBING PLANS FOR CONTINUATION.
9. ENCASE ALL WATER LINES WHERE CROSSING SANITARY SEWER LINES. KEEP A MINIMUM 12" (12") SEPARATION BETWEEN WATER AND SEWER LINES.
10. COORDINATE WITH GRADING PLANS FOR TOP OF MANHOLES AND CULVERTS. ADJUST AS NEEDED.

RM#1
TOP OF INLET
ELEV = 106.4
NAVD 1988



1 UTILITIES PLAN
SCALE 1/8" = 1'-0"



PROJECT TITLE	SOCCER FIELD
DRAWN BY	DRAIN BY
ADDRESS	LA LOMA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, BEXAR COUNTY, TEXAS
DATE	OCTOBER 7, 2011
DRAWING SCALE	AS NOTED
PROJECT NUMBER	
COMMENTS	



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY C. HINDSON, JR., PE, NO. 10834, ALTERATION OF A SEALS DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

SHEET NAME:	UTILITIES PLAN
SHEET NUMBER:	C2

DEC 12 2012
Initial: [Signature]

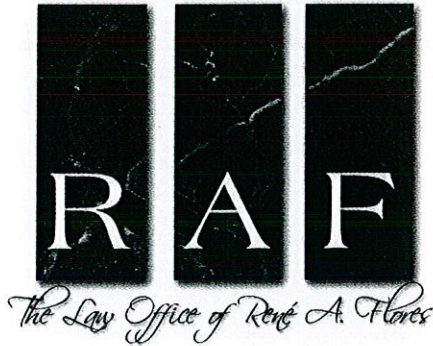








SKY



November 14, 2013

City of McAllen
Attn: City Commission
1300 Houston Avenue
McAllen, Texas 78501

RE: Appeal for a Conditional Use Permit for property located at 501 N. Bentsen Rd.,
soccer fields

Dear City Commission:

Please be advised that my client, Leticia Alvarez is requesting an appeal in connection with the above referenced matter. Enclosed is check #1468 in the amount of \$150.00 to cover the fee for processing the appeal.

I respectfully request a meeting be set before the P & Z committee once the appeal has been processed.

Should you have questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rene A. Flores', is written over the word 'Sincerely,'.

Rene A. Flores

A handwritten signature in blue ink, appearing to read 'Leticia Alvarez', is written over a horizontal line.

Leticia Alvarez

RECEIVED

NOV 14 2013

Initial: CA

**NOTICE
OUTDOOR RECREATION
For
This Property
CUP2013-0163**



City of McAllen Planning Dept - 681-1250
www.mcallen.net



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION _____ X _____
UTILITY BOARD _____
PLANNING & ZONING BOARD _____
OTHER _____

AGENDA ITEM _____ 1A2
DATE SUBMITTED _____ 11/19/13
MEETING DATE _____ 11/25/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Rocio Y. Solis

3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No
The request of Rocio Y. Solis, for a Conditional Use Permit, for one year, for an event center at Lots 10-11, The District at McAllen Phase II Subdivision, Hidalgo County, Texas: 3400 North McColl Road, Suites G and H.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate option costs: _____

7. Routing:
NAME/TITLE INITIAL DATE CONCURRENCE
YES/NO

a) Julianne R. Rankin _____ JRR _____ 11/19/2013 _____ No
Director of Planning
b) _____ _____ _____ _____

8. Staff's Recommendation: Disapproval of the request subject to non-compliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.

9. Advisory Board: Approved X Disapproved _____ None
With a favorable recommendation to grant the variance to the distance requirement with the added conditions for nightly trash pickup, sufficient lighting in the parking lot, and providing security.

10. City Attorney: KP Approved _____ Disapproved _____ None

11. Manager's Recommendation: ABB Approved _____ Disapproved _____ None

Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: November 19, 2013

SUBJECT: **APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE NOVEMBER 5, 2013 MEETING, DENYING THE REQUEST OF ROCIO Y. SOLIS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER AT LOTS 10-11, THE DISTRICT AT MCALLEN PHASE II SUBDIVISION; 3400 NORTH MCCOLL ROAD, STUITES G AND H.**

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located on the east of North McColl Road, approximately 770 ft. of Fern Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the south, C-4 (commercial industrial) District to the north, and R-3A (apartments) District to the east and west. Surrounding land uses include commercial businesses, restaurants, single and multi-family residences, and vacant land. An event center is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

There is currently a multi-tenant commercial building on the property. The building is a mixed use of retail and offices. The applicant is proposing to lease a 3,376 sq. ft. area for an event center. The days and hours of operation are Friday and Saturday 9:00 a.m. to 2:00 a.m. Based on the 15,012 sq. ft. of office use 78 parking spaces are required, 9,660 sq. ft. of retail use 27 parking spaces are required, and 4,816 sq. ft. of restaurant use 64 parking spaces are required. Based on the proposed 3,376 sq. ft. event center 46 parking spaces are required; 171 parking spaces are provided as part of the common parking lot for the development. For every business to run simultaneously 169 spaces are required, leaving 2 spaces available. The event center will substitute the majority square footage of restaurant use. If any restaurants are proposed in the future, parking will need to be provided before permits could be issued.

A police activity report was not requested since it has not been in operation. The Health and Fire Departments have inspected and cleared the establishment; however, a final inspection will be needed once the remodeling is complete. Should the Conditional Use Permit be

approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to North 10th Street and does not generate traffic into residential areas;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. Based on the 15,012 sq. ft. of office use, 78 parking spaces are required, 9,660 sq. ft. of retail use, 27 parking spaces are required, and 4,816 sq. ft. of restaurant use, 64 parking spaces are required. Based on the proposed 3,376 sq. ft. event center, 46 parking spaces are required; 171 parking spaces are provided as part of the common parking lot for the development. For every business to run simultaneously 169 spaces are required, leaving 2 spaces available. The event center will substitute the majority of the restaurant use. If any restaurants are proposed in the future, parking will need to be provided before permits could be issued;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

OPTIONS:

1. Disapprove the Conditional Use Permit.
2. Table the item for additional information.

RECOMMENDATION:

This item was heard at the November 5, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition of the request. The applicant was present.

Mr. Solis, the applicant's representative, advised the board that the establishment was not a bar but an event center for gatherings and/or parties with no alcohol being served.

Following discussion of the item, the board unanimously voted to disapprove the request due to non-compliance with requirement #1 (distance) of the Zoning Ordinance, but with a favorable recommendation to grant the variance and with the added conditions for nightly trash pickup, sufficient lighting in the parking lot and providing security. There were four members present and voting. The applicant submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

- SUBJECT PROPERTY
- 600 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
-

ZONING LEGEND			
A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)
			I-1 (LIGHT INDUSTRIAL)
			I-2 (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

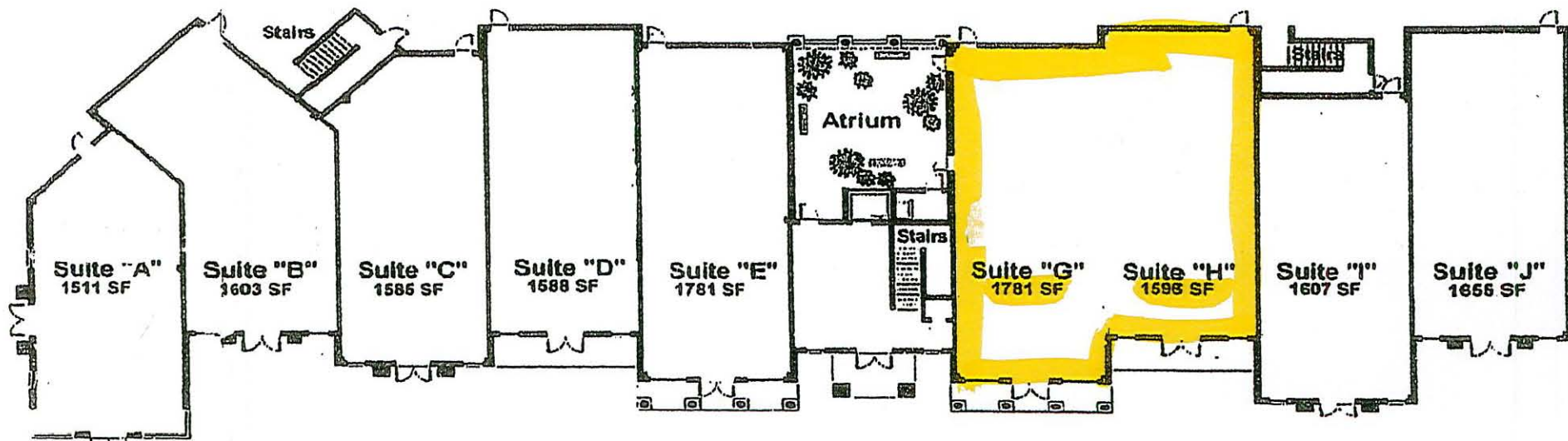
 600 FT. NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.

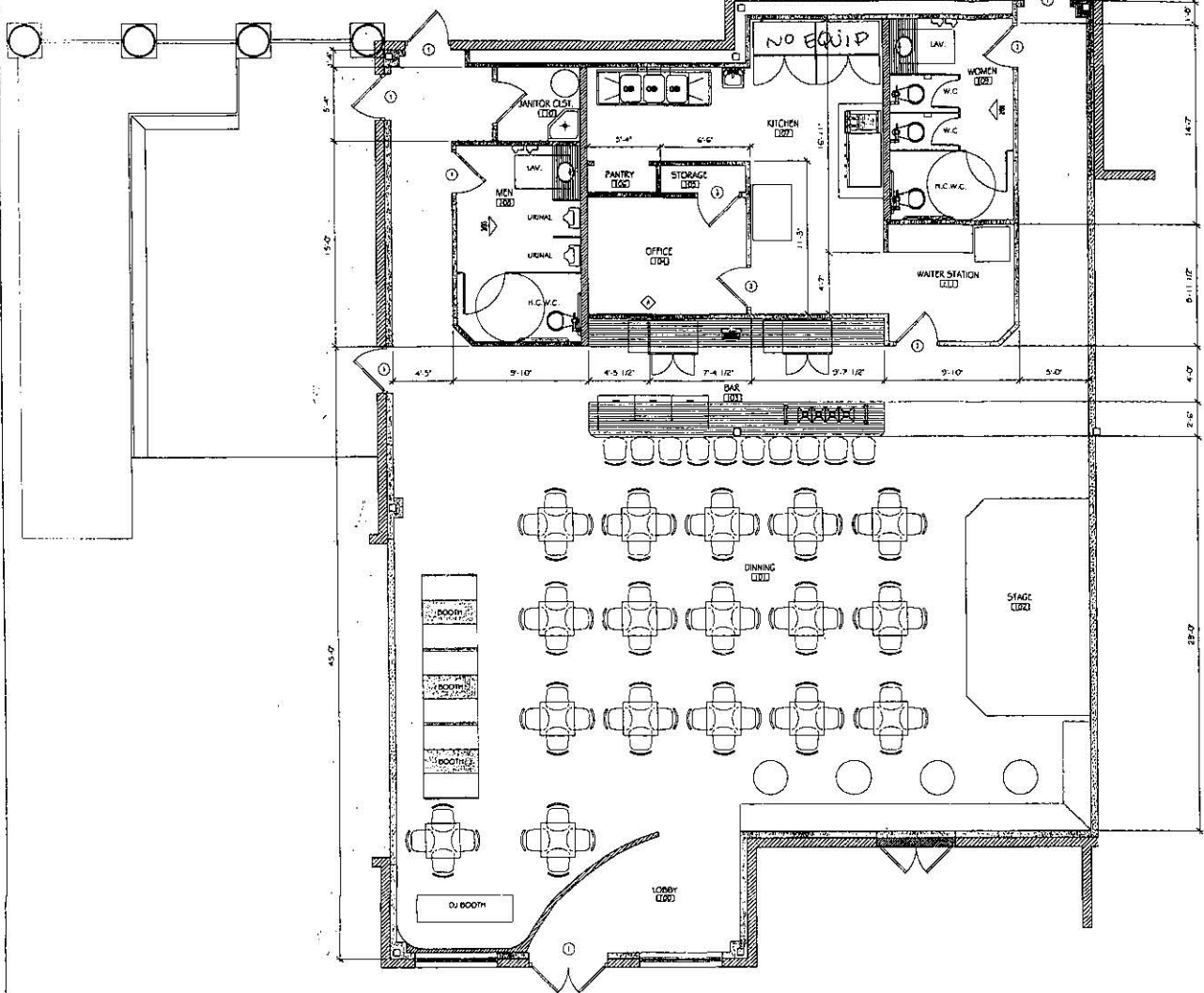


Common Areas



3400 North McColl Rd. McAllen, Texas

www.laplazadelSol.com

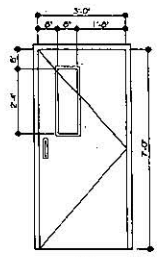


WALL LEGEND	
CMU WALL	[Hatched pattern]
2 X 4 WOOD STUD	[Hatched pattern]
2 X 4 WOOD STUD	[Hatched pattern]
EXISTING WALLS	[Hatched pattern]
MILLWORK MATCH	[Hatched pattern]

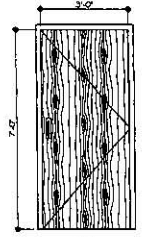
ROOM FINISH SCHEDULE										
NO.	ROOM NAME	1	2	3	4	5	6	7	8	9
100	LOBBY	1	1	1	1	1	1	1	1	1
101	OFFICE	1	1	1	1	1	1	1	1	1
102	BAR	1	1	1	1	1	1	1	1	1
103	STAGE	1	1	1	1	1	1	1	1	1
104	RESTROOM	1	1	1	1	1	1	1	1	1
105	WATER STATION	1	1	1	1	1	1	1	1	1
106	STORAGE	1	1	1	1	1	1	1	1	1
107	BAR	1	1	1	1	1	1	1	1	1
108	STAGE	1	1	1	1	1	1	1	1	1
109	RESTROOM	1	1	1	1	1	1	1	1	1
110	WATER STATION	1	1	1	1	1	1	1	1	1
111	STORAGE	1	1	1	1	1	1	1	1	1

DOOR SCHEDULE										
NO.	ROOM NAME	1	2	3	4	5	6	7	8	9
101	OFFICE	1	1	1	1	1	1	1	1	1
102	BAR	1	1	1	1	1	1	1	1	1
103	STAGE	1	1	1	1	1	1	1	1	1
104	RESTROOM	1	1	1	1	1	1	1	1	1
105	WATER STATION	1	1	1	1	1	1	1	1	1
106	STORAGE	1	1	1	1	1	1	1	1	1
107	BAR	1	1	1	1	1	1	1	1	1
108	STAGE	1	1	1	1	1	1	1	1	1
109	RESTROOM	1	1	1	1	1	1	1	1	1
110	WATER STATION	1	1	1	1	1	1	1	1	1
111	STORAGE	1	1	1	1	1	1	1	1	1

WINDOW SCHEDULE										
NO.	ROOM NAME	1	2	3	4	5	6	7	8	9
101	OFFICE	1	1	1	1	1	1	1	1	1
102	BAR	1	1	1	1	1	1	1	1	1
103	STAGE	1	1	1	1	1	1	1	1	1
104	RESTROOM	1	1	1	1	1	1	1	1	1
105	WATER STATION	1	1	1	1	1	1	1	1	1
106	STORAGE	1	1	1	1	1	1	1	1	1
107	BAR	1	1	1	1	1	1	1	1	1
108	STAGE	1	1	1	1	1	1	1	1	1
109	RESTROOM	1	1	1	1	1	1	1	1	1
110	WATER STATION	1	1	1	1	1	1	1	1	1
111	STORAGE	1	1	1	1	1	1	1	1	1



3070 H.W. DOOR W



3070 SOLID WOOD DOOR W
3/4" STAIN, PAINTED

3

CUSTOM DESIGN SOLUTIONS

COMMERCIAL, RESIDENTIAL PLANS, & 3D RENDERINGS

2217 N. IOWA STREET - SUITE 4
MCKALEN, TEXAS 76705
TEL: (959) 618-1142 FAX: (959) 618-1143

NOT RESPONSIBLE FOR THE ACCURACY OF DESIGN OR CONSTRUCTION. SEE ALL APPLICABLE CODES AND REGULATIONS. SEE ALL APPLICABLE CONTRACT DOCUMENTS FOR COMPLETE INFORMATION. SEE ALL APPLICABLE CONTRACT DOCUMENTS FOR COMPLETE INFORMATION.

PROJECT NAME
PLAZA DEL SOL RETAIL & BUSINESS CENTER
SHEET NAME

DATE
3/4/2013

3400 N. SUITE 418
MCKALEN, TEXAS

REVISIONS

1. 11/03/08 - CORRECT SET

DATE PLOTTED: 10/02/2013 10:00 AM

FILE: C:\Users\j\Documents\3400 N. SUITE 418\3400 N. SUITE 418.dwg

OCT 02 2013

B1.00

KRYSTAL ROOM
3400 N. McColl Rd.
Suite G-H
McAllen, TX 78501

Tel: 956 239-14701

To Whom It May Concern:


Please take notice that I appeal the decision made today November 5, 2013 by the McAllen Planning and Zoning Commission regard to Rocio Solis' / Krystal Room's application with the City of McAllen. Payment of \$150.00 is made herewith.

Sincerely,


Rocio Solis



**NOTICE
EVENT CENTER
For
This Property
CUP2013-0189**

 City of McAllen Planning Dept - 681-1250
www.mcallen.net



Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G.

DATE: November 19, 2013

SUBJECT: REQUEST OF RENE H. ALANIS FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT LOT 17, BLOCK A, CATHY COURTS SUBDIVISION; 128 BEAUMONT AVENUE.

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way or, 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located on the north side of Beaumont Avenue, approximately 390 ft. of South 1st Street and it zoned C-3 (general business) District. The adjacent zoning is C-3 in all directions. Surrounding land uses include the commercial businesses, industrial businesses, and single family residential.

The applicant is proposing to place an 80 ft. monopole tower at the rear of the property. A personal wireless service facility is permitted in a C-3 zone with a conditional use permit. The proposal will need to meet all minimum setbacks and building permit requirements. The setbacks required are 25 ft. front, and 10 ft. sides and 10 ft. rear. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

- 1) Broadcast pole structure shall comply with the height requirements of the Airport Zoning Ordinance and the requirements set forth by the McAllen International Airport Advisory Board. FAA approval must be obtained prior to beginning construction;
- 2) Maximum height of pole or tower structure of 80 ft. within commercial zones or within 200 ft. of an existing residential structure. The applicant is proposing to place an 80 ft. antenna on the property;

- 3) Maximum height of pole or tower structure of 120 ft. within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
- 4) One broadcast pole structure allowed per lot within commercial or industrial zone. There is no other pole structure on the property;
- 5) Only one pole or tower structure allowed per lot or tract within a commercial or industrial zone;
- 6) The applicant shall attempt to locate the proposed facility on an existing structure, as per subsection k-m of this section. If co-location of the proposed wireless facility is not possible (as per subsections k-m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection "h" below) that is treated with architectural material (e.g.) "stealth" design so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation. The 80 ft. tower is not stealth;
- 7) Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 ft. measured in a direct line of another tower. There are no co-locatable towers within 1,000 feet;
- 8) Minimum setback of one-half the street right of way from the property line, 10 ft. from side yard, and 10 ft. from rear, unless greater requirements as noted on subdivision plat. The pole must meet all minimum setbacks. The 80 ft. tower is not meeting the 10 ft. rear setback;
- 9) A masonry wall shall be required as a buffer if pole or tower structure located within the front or side yard, or adjacent to a residential use or zone;
- 10) The equipment structure installed at the base of the proposed tower shall be not be greater than 180 sq. ft. and constructed to conform to the predominant architectural environment. The proposed base for the tower is 156.25 sq. ft.;
- 11) A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;
- 12) The pole or tower structure must be constructed or installed with the capabilities of locating thereon additional PWSF when tower or pole is greater than 80 ft. in height. The applicant agrees to cooperate with other PWSF providers in co-locating additional facilities on permitted support structures;

- 13) A permittee shall exercise good faith in co-locating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
- 14) All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a co-location alternative for their proposed PWSF site, which efforts shall be documented to the City and shall include, but not limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to co-locate the PWSF at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers. The applicant submitted a letter;
- 15) Failure to comply with the co-location requirements of this section may result in denial of a permit request or revocation of an existing permit; and
- 16) No form of pollution shall emanate beyond the immediate property line of the permitted use.

OPTIONS:

1. Approve the conditional use permit.
2. Table the item for additional information.
3. Disapprove the request.

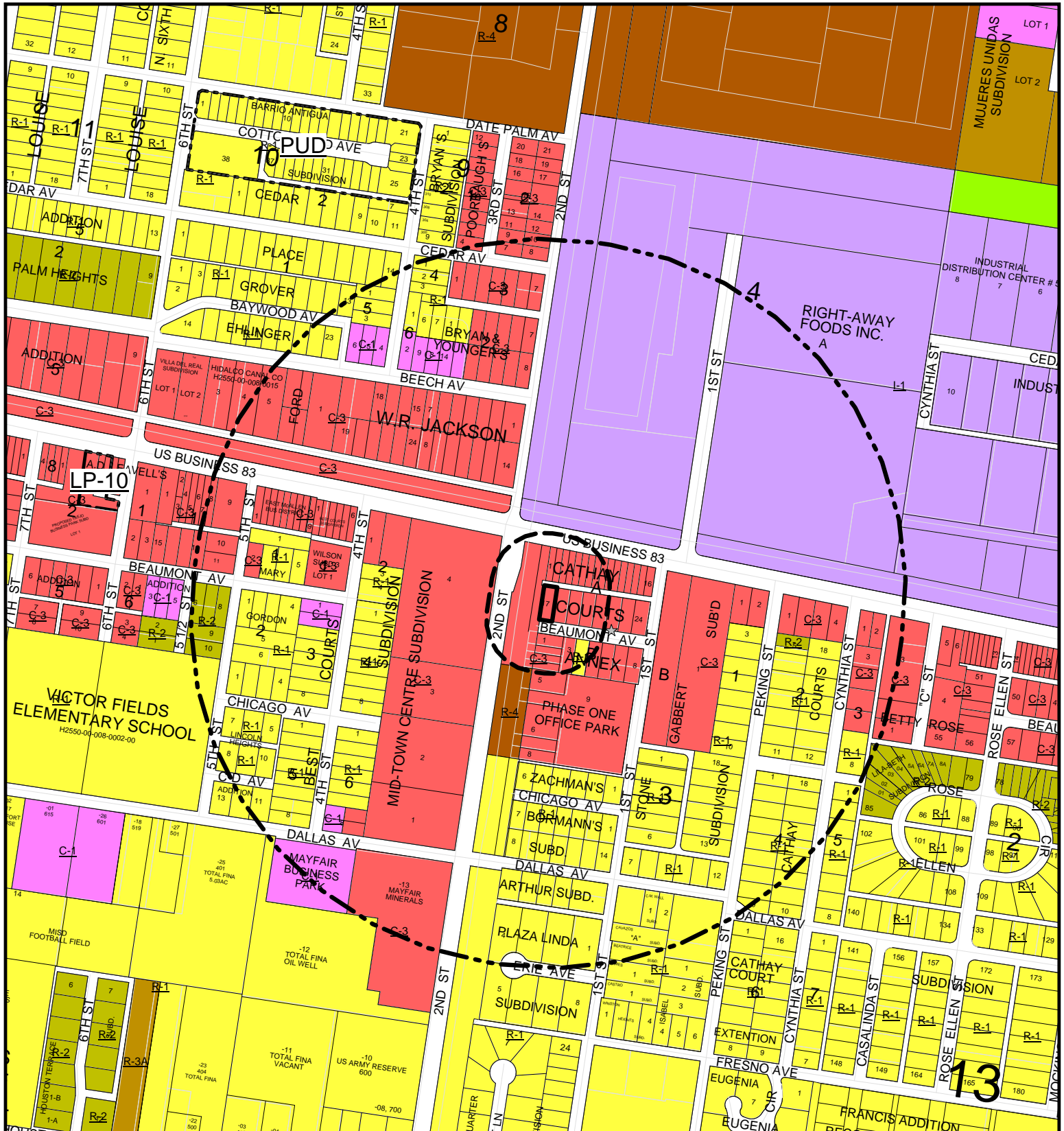
RECOMMENDATION:

This item was heard at the October 16, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition of the request. The applicant was present.

The board addressed concerns on the size, height, stealth design of the tower and also the rear setbacks not being met.

Mr. Alanis, the applicant, addressed the boards concerns and explained the design of the tower and its use. The tower is for wireless internet only.

Following discussion of the item, the board unanimously voted to disapprove the request, for the life of the use, based on non-compliance with #6 (stealth) and #8 (setbacks) of Section 138-118(11) of the Zoning Ordinance. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

4

LEGEND
SCALE: 1" = 500'

- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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10
SUBDIVISION

BRYAN'S
SUBDIVISION

4
RIGHT-AWAY
FOODS INC.
A

COURTS
ANNEX

CATHAY

3
SUBDIVISION

3
COURTS

MID-TOWN CENTRE
SUBDIVISION

MAYFAIR
BUSINESS
PARK

PLAZA LINDA
SUBDIVISION

CATHAY
COURT

EUGENIA
SUBD.

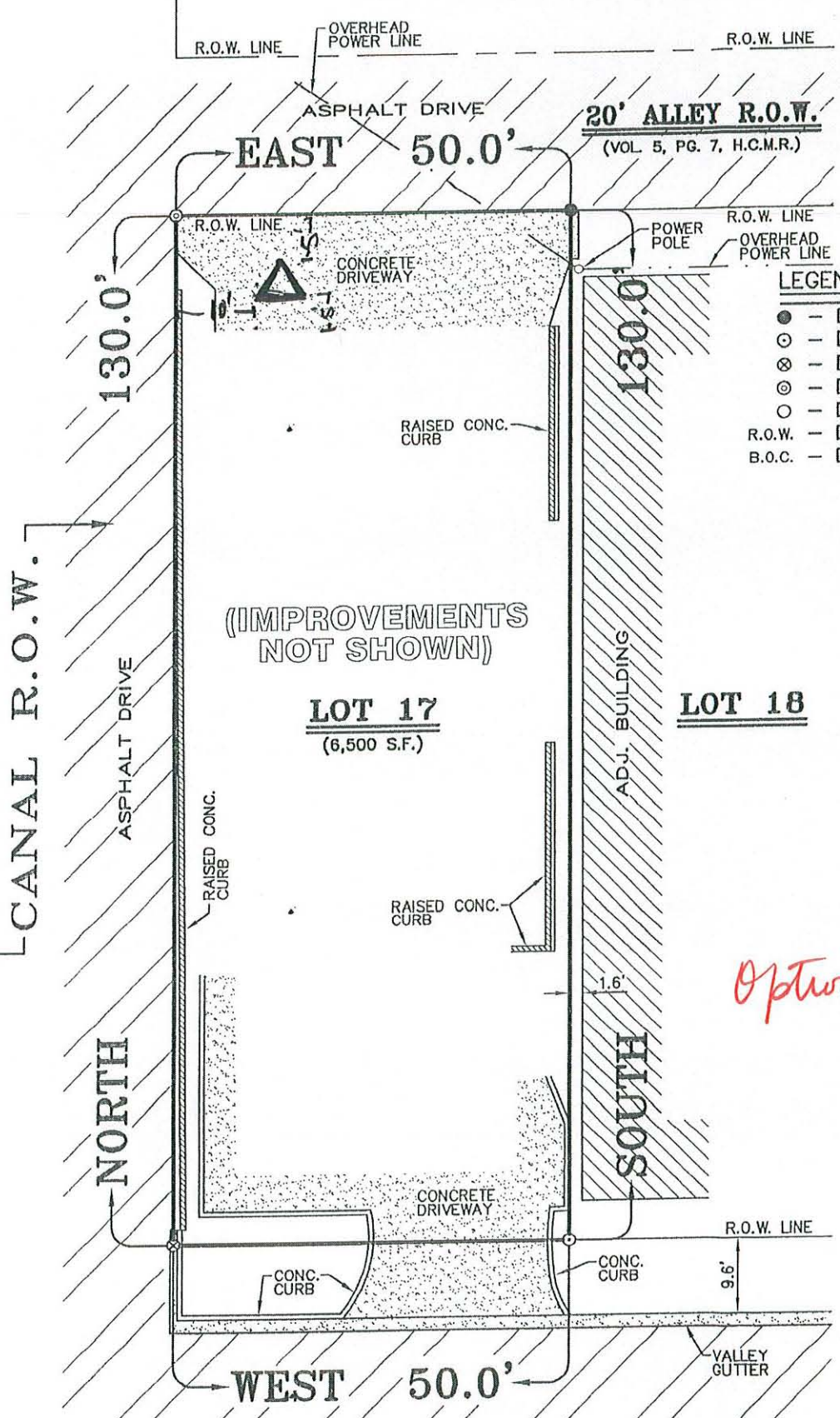
FRANCIS ADDITION
RECORDED (NOT BUI

LOUISE
6TH ST
BARRIO ANTIGUA
COTTONWOOD AVE
CEDAR 2
PLACE
GROVER
BAYWOOD AV
EHLINGER
WILLA DEL REAL
SUBDIVISION
HIDALGO CANAL CO
H256500-008 015
FORD
BEECH AV
W.R. JACKSON
US BUSINESS 83
AVELL'S
5 1/2 ST
BEAUMONT AV
MARY
GORDON
CHICAGO AV
LINCOLN
HEIGHTS
CO AV
ADDITION
DALLAS AV
MAYFAIR
BUSINESS
PARK
-12
TOTAL FINA
OIL WELL
-11
TOTAL FINA
VACANT
-10
US ARMY RESERVE
600
-08, 700
-15
501
27A
21
318
23
404
TOTAL FINA
-03
500
-04
520
05
308
-06
296
-07
210
08
206
18
515
437
501
25
401
TOTAL FINA
6.03AC
-13
MAYFAIR
MINERALS
-12
TOTAL FINA
OIL WELL
-11
TOTAL FINA
VACANT
-10
US ARMY RESERVE
600
-08, 700
-15
501
27A
21
318
23
404
TOTAL FINA
-03
500
-04
520
05
308
-06
296
-07
210
08
206



ART SALINAS ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



LEGEND

- - DENOTES FOUND 1/2" ROD
- ⊙ - DENOTES SET 1/2" ROD
- ⊗ - DENOTES SET "X" MARK
- ⊙ - DENOTES SET CONC. NAIL
- - DENOTES NO MONUMENT
- R.O.W. - DENOTES RIGHT OF WAY
- B.O.C. - DENOTES BACK OF CURB

RECEIVED

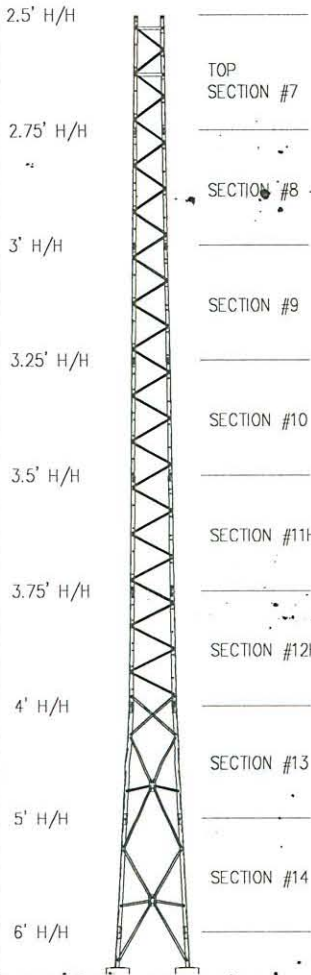
SEP 19 2013

Initial:

W. BEAUMONT AVE.

(50' R.O.W. - VOL. 5, PG. 7, H.C.M.R.)

80FT S700 SUPERTITAN TOWER



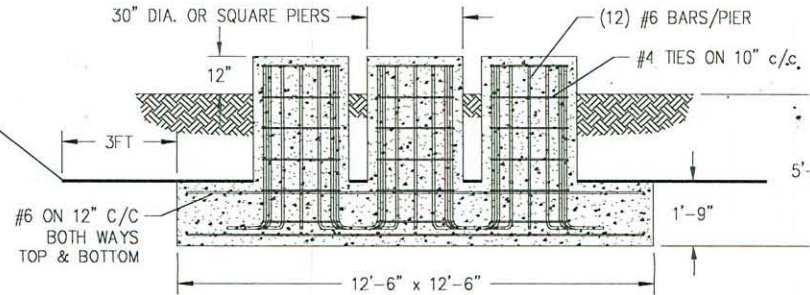
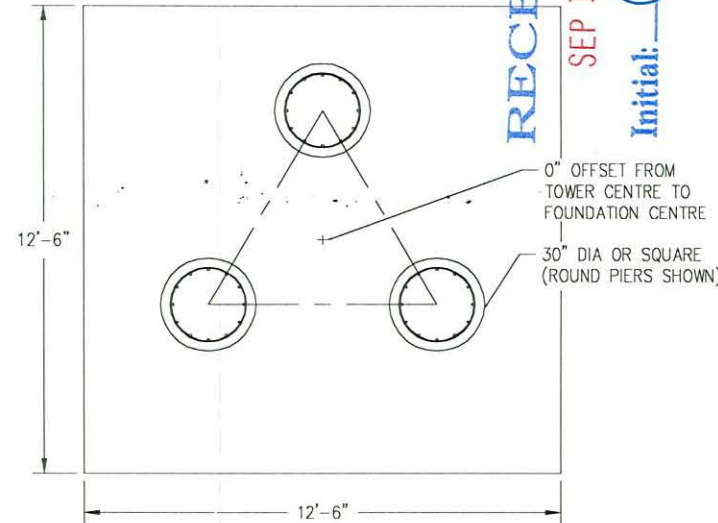
C A N D A									
MAXIMUM ALLOWABLE ANTENNA AREA - PER CSA-S37-01									
ROUND ANTENNA MEMBER / FLAT ANTENNA MEMBER									
CLASS 1 (10mm ICE)			CLASS 1 (25mm ICE)			CLASS 3 (25mm ICE)			
350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	
73/52	47/33	30/21	73/52	47/33	30/21	172/115	116/77	80/53	

FOUNDATION LOADS:
 MAX. OVERTURNING MOMENT (K*FT) =
 MAX. SHEAR (kips) =
 MAX. AXIAL (kips) =

INSULATING STYROFOAM REQUIRED WHERE FROST PENETRATION EXCEEDS 6 FEET. PLACE STYROFOAM ON SLAB AND EXTEND 3 FEET BEYOND EDGE. HIGHLOAD 40 INSULATION BY DOW CHEMICALS IS RECOMMENDED.

Option 1

FOUNDATION DESIGN (NORMAL DRY SOIL)



CUBIC YARDS of CONCRETE				
PAD	RND PIER	SQ PIER	TOTAL RND	TOTAL SQ
10.13	0.77	0.98	12.45	13.08

- NOTES:
- 1) KNOCK-DOWN PART NUMBER 5.94.S700.080.
 - 2) PRE-ASSEMBLED PART NUMBER: NOT AVAILABLE.
 - 3) ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3-FT OR LESS ABOVE THE TOWER TOP.
 - 4) WIND LOADING ASSUMES (1) 1/2" TRANSMISSION LINE PER 10 SQ.FT. OF ROUND MEMBER ANTENNA AREA.

CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON MANUFACTURING COMPANY LTD. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON MANUFACTURING COMPANY



CUSTOMER: _____ SITE: _____ SCALE: 130,000

DATE: 16 FEB 07 BY: MRH CHK: _____ APP: _____

TITLE: 80' S700 SUPERTITAN TOWER DRAWING NO. 000001.620.03

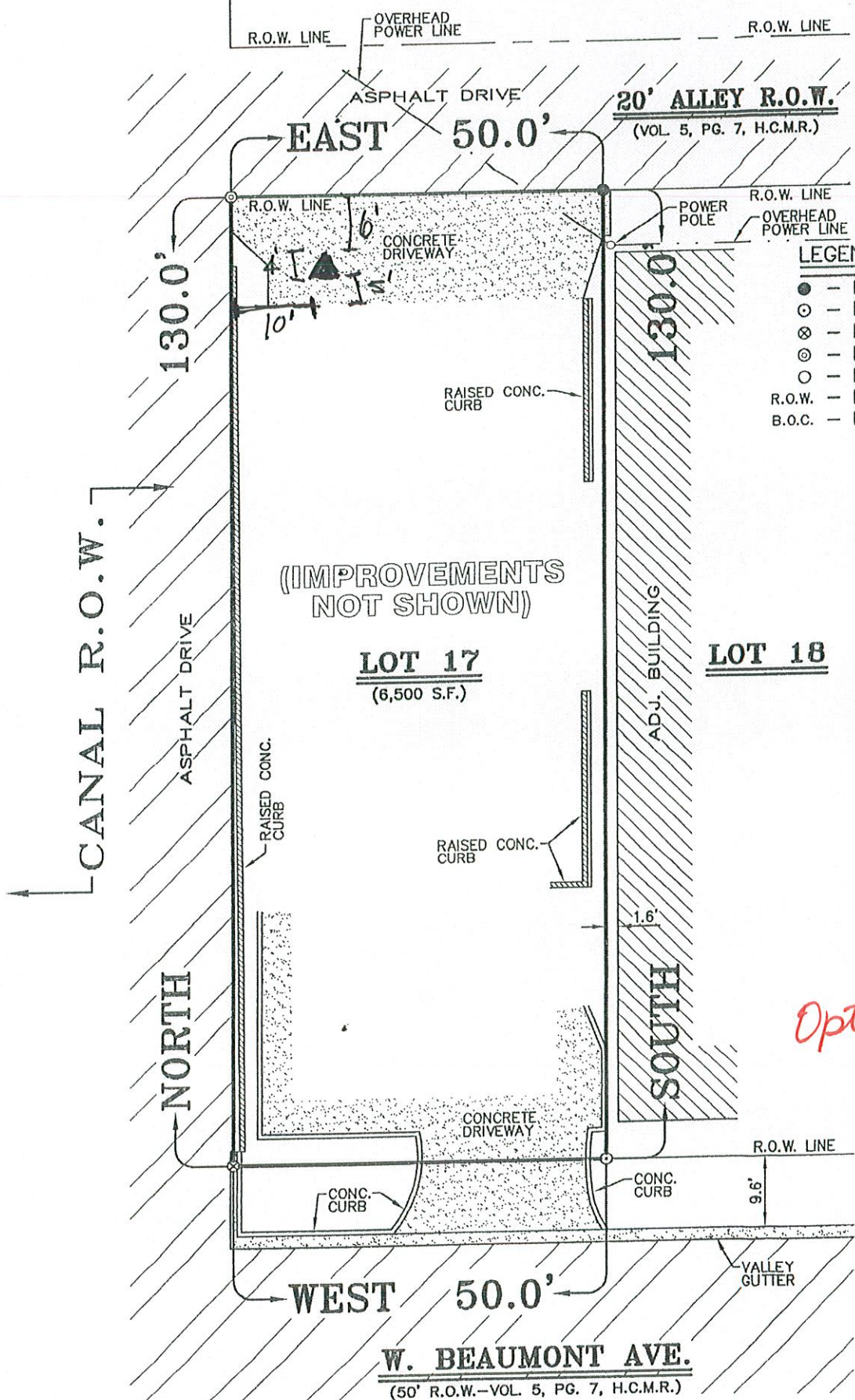
REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



LEGEND

- - DENOTES FOUND 1/2" ROD
- - DENOTES SET 1/2" ROD
- ⊗ - DENOTES SET "X" MARK
- ⊙ - DENOTES SET CONC. NAIL
- - DENOTES NO MONUMENT
- R.O.W. - DENOTES RIGHT OF WAY
- B.O.C. - DENOTES BACK OF CURB

Option 2

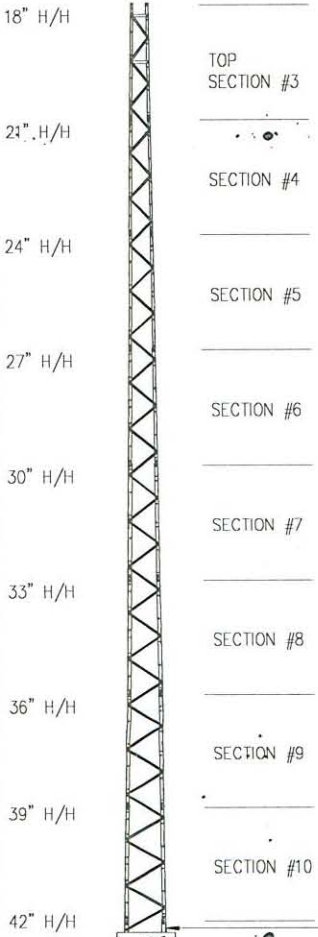
RECEIVED

SEP 19 2013

Initial:

W. BEAUMONT AVE.
(50' R.O.W. - VOL. 5, PG. 7, H.C.M.R.)

80FT S300 SUPERTITAN TOWER



TOP SECTION #3
SECTION #4
SECTION #5
SECTION #6
SECTION #7
SECTION #8
SECTION #9
SECTION #10

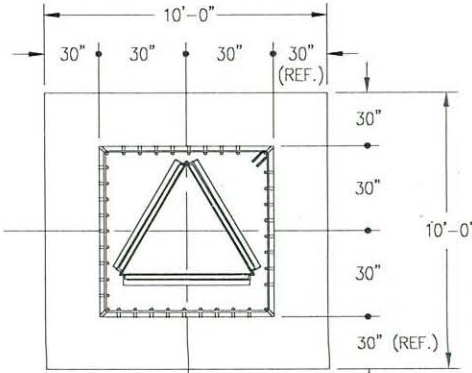
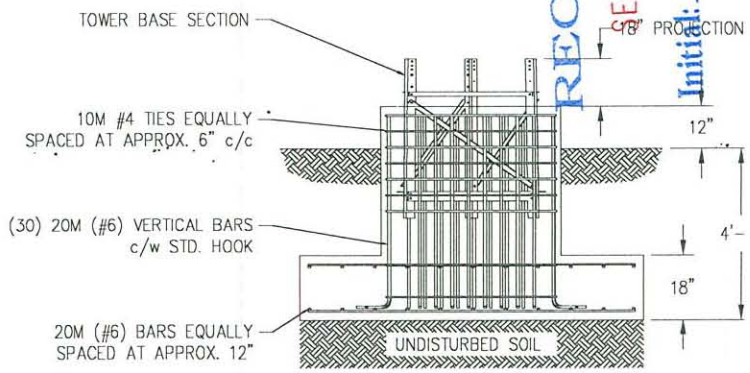
5' EMBEDMENT SECTION INCLUDED IN KITS

CANADA	MAXIMUM ALLOWABLE ANTENNA AREA - PER CSA-S37-01								
	ROUND ANTENNA MEMBER / FLAT ANTENNA MEMBER								
	CLASS 1 (10mm ICE)			CLASS 1 (25mm ICE)			CLASS 3 (25mm ICE)		
	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa
25/17	9/6	--/--	21/15	9/6	--/--	50/33	27/18	13/9	

FOUNDATION LOADS:
MAX. OVERTURNING MOMENT (K*FT) =
MAX. SHEAR (kips) =
MAX. AXIAL (kips) =

Option 2

FOUNDATION DESIGN (NORMAL DRY SOIL)
DESIGN ASSUMES THAT FROST DEPTH IS LESS THAN 4'-0"



CUBIC YARDS OF CONCRETE		
PAD CONC VOL.	PIER CONC VOL.	TOTAL VOL.
5.6	3.2	8.8

CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON MANUFACTURING COMPANY LTD. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON MANUFACTURING COMPANY



- NOTES:
- 1) KNOCK-DOWN PART NUMBER 5.94.S300.080.
 - 2) PRE-ASSEMBLED PART NUMBER: 5.95.S300.080.
 - 3) ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3-FT OR LESS ABOVE THE TOWER TOP.
 - 4) WIND LOADING ASSUMES (1) 1/2" TRANSMISSION LINE PER 10 SQ.FT. OF ROUND MEMBER ANTENNA AREA.

REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE	CUSTOMER:	SITE:	SCALE:
							130,000
					DATE:	BY:	CHK:
					16 FEB 07	MRH	APP:
					TITLE:	DRAWING NO.	
					80' S300 SUPERTITAN TOWER	000001.620.0	



TELDELNORT COMMUNICATIONS LLC

128 Beaumont Ave • McAllen, TX 78501 • Phone: +19563699600 • Fax: +19566830454
E-Mail: rene@teldelnort.com

Date: September 19, 2013

City of McAllen
P.O. BOX 220
1300 Houston Ave
McAllen, Texas 78501

To whom it may concern:

Teldelnort Communications LLC will exercise good faith in co-locating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference with broadcast or reception capabilities as composed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either both applicant and permittee.

Sincerely,

Rene H. Alanis
CEO

**NOTICE
CELL TOWER
For
This Property
CUP2013-0186**

City of McAllen Planning Dept - 681-1250
www.mcallen.net

**NOTICE
VARIANCE
For
This Property
ZBA2013-0044**

City of McAllen Planning Dept - 681-1250
www.mcallen.net



Rene H. Alanis

Request for a Conditional Use Permit, for life of the use, for personal wireless service facility at Lot 17, Block A, Cathey Courts Subdivision, Hidalgo County, Texas;
128 Beaumont Avenue, McAllen, Texas 78501

Points of Interest

- * City Planning and Zoning
- * Tower Type
- * Tower Wind Load
- * Tower Height
- * Tower Aesthetics
- * FAA Regulations
- * Tower Purpose
- * Tower Location and Facility

City Planning and Zoning

- * 128 Beaumont is within a C-3 Zone (General Business)



City Planning and Zoning

- * No existing Towers within 1000 ft.



Tower Type

- * Self supporting tower.
- * No guyed wire needed for support



Tower Type

- * Base diameter 3 1/2 feet
- * Top diameter 1 1/2 feet



Tower Wind Load

- * Engineered for **110 mph winds** with a 30 square foot surface area. Load location top.

Tower Height

- * 80 feet tall from ground
- * This allows for a greater coverage area.
- * Ideal for Point to Point connection

Collapse Zone

- * Concerns were raised on whether the tower has the possibility of collapsing over Business 83 or 2nd Street

Collapse Zone



Tower Aesthetics

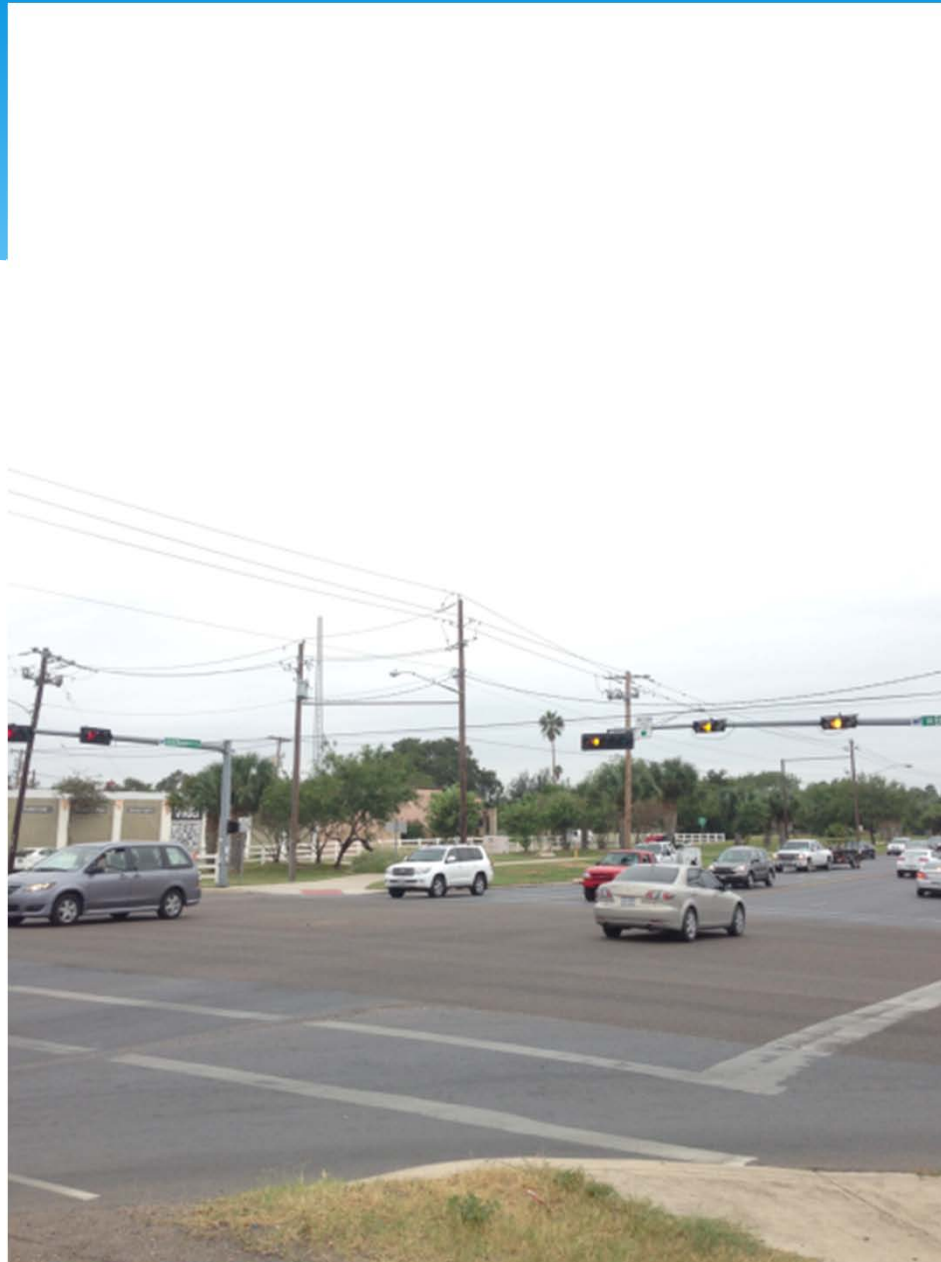
To best demonstrate the tower we have photoshoped
in a tower of its likeness.











FAA Regulations

Tower does not require any marking or lighting since it is under the 200 feet minimum

TITLE 47, PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Subpart C- Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(A) THEY EXCEED 60.96 METERS (200 FEET) IN HEIGHT ABOVE THE GROUND OR THEY REQUIRE SPECIAL AERONAUTICAL STUDY.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

Tower Purpose

- * This tower will be used to provide Dedicated Internet Access Service to businesses and residential customers in the McAllen.
- * This benefits McAllen's residents with another Internet Service Provider (ISP) option.

Tower Location and Facility

- * Rene H. Alanis owns the building located at 128 Beaumont, McAllen, Texas 78501.
- * The Building is the main operation site with fiber optic interconnection.
- * The build is the Colocation Data Center with redundant electricity powered by a backup generator.



Memo

TO: Mike R. Perez, City Manager

FROM: Leonel Garza III, Chairperson, Planning and Zoning Commission L.G

DATE: November 19, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE NOVEMBER 5, 2013 MEETING, DENYING THE REQUEST OF ERNESTO LOZANO FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOTS 7 AND 8, CITRUS GROVE PLAZA SUBDIVISION; 4037 EXPRESSWAY 83, SUITE 100, 105, AND 110.

GOAL:

A Conditional Use Permit is to allow the compatible and orderly development, within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a 1) specific way , 2) only for a limited period of time, 3) is required for all conditional uses as set forth in the conditional use paragraph of each use district, and 4) at no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit.

BRIEF DESCRIPTION:

The property is located on the north side of Colbath Road, approximately 990 ft. west of S. Ware Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, east and west, and R-1 (single family residential) District to the south. Surrounding land uses include single family residential, commercial businesses and vacant land. A nightclub hall is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

This property is part of Citrus Grove Plaza Subdivision, which was recorded in February 2012. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. A revised site plan was approved by the Board on February 1, 2011. Based on the revised plan proposed by the applicant, revised site plan would be needed.

Currently there is a vacant multi-tenant commercial building on the property for restaurants and retail lease spaces. There is a section of the building that will have two additional stories of office space as well. Based on the 33,425 sq. ft. of retail use 87 parking spaces are required, 19,995 sq. ft. of office use 100 parking spaces are required and 6,450 sq. ft. of restaurant use 86 parking spaces are required, for a total of 273 parking spaces required; 273 are provided on site. On October 22, 2013 the City Commission approved a banquet hall on the third floor (roof top). The use of the rooftop had increased the parking requirements; however, it is still under construction but will no longer be used as a banquet hall.

The applicant is proposing a 6,440 sq. ft. nightclub in three of the suites from the multi-tenant commercial building. The proposed days and hours of operation are proposed to be from 10:00 p.m. – 2:00 a.m. Wednesday - Saturday. Based on the total square footage of 6,440 sq. ft. of the nightclub, 86 parking spaces are required. The original site plan approved 6,450 sq. ft. of restaurant use, in lieu of the restaurant the night club will occupy 6,440 sq. ft.; therefore parking is provided. If additional parking is needed during the hours of operation, offices close

at 6 p.m. and those parking spaces will be available. If any restaurants are proposed in the future, additional parking will need to be provided before permits could be issued.

No police activity report was requested since the establishment has not been in operation. The Health and Fire Departments have inspected the establishment; however, a final is pending once the remodeling is complete. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. from a residential zone/uses to the south;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access to Colbath Road and the Expressway 83;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the total square footage of 6,440 sq. ft. of the nightclub, 86 parking spaces are required. The original site plan approved 6,450 sq. ft. of restaurant use, in lieu of the restaurant the night club will occupy 6,440 sq. ft.; therefore parking is provided. If additional parking is needed during the hours of operation, offices close at 6 p.m. and those parking spaces will be available. If any restaurants are proposed in the future, additional parking will need to be provided before permits could be issued;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum number of persons will be determined during the building permit process.

OPTIONS:

1. Disapprove the Conditional Use Permit.
2. Table the item for additional information.

UPDATE:

This item was heard and tabled at the Planning and Zoning Commission meeting of October 16, 2013 in order to allow staff to verify the signatures and the percentage of opposition. Also, for staff to research if it's possible to block the entrance on Colbath Road during the hours of operation to avoid traffic issues.

Staff has reviewed the petition opposing the request and calculated that the percentage of the opposition based on a 200 ft. radius was 12.7%. Other signatures in opposition were submitted to the Planning Department and were recalculated for a total opposition of 17.7%.

In regards to the issue of possibly closing the entrance/access from Colbath Road, there is a conditional use permit previously approved at a different location where the access from a street was required to be closed during the time the nightclub was in operation. The condition was stipulated by the City Commission after the neighbors complained that the traffic from the establishment was driving into neighborhoods, patrons parking on the curb of the street, litter, and noise.

RECOMMENDATION:

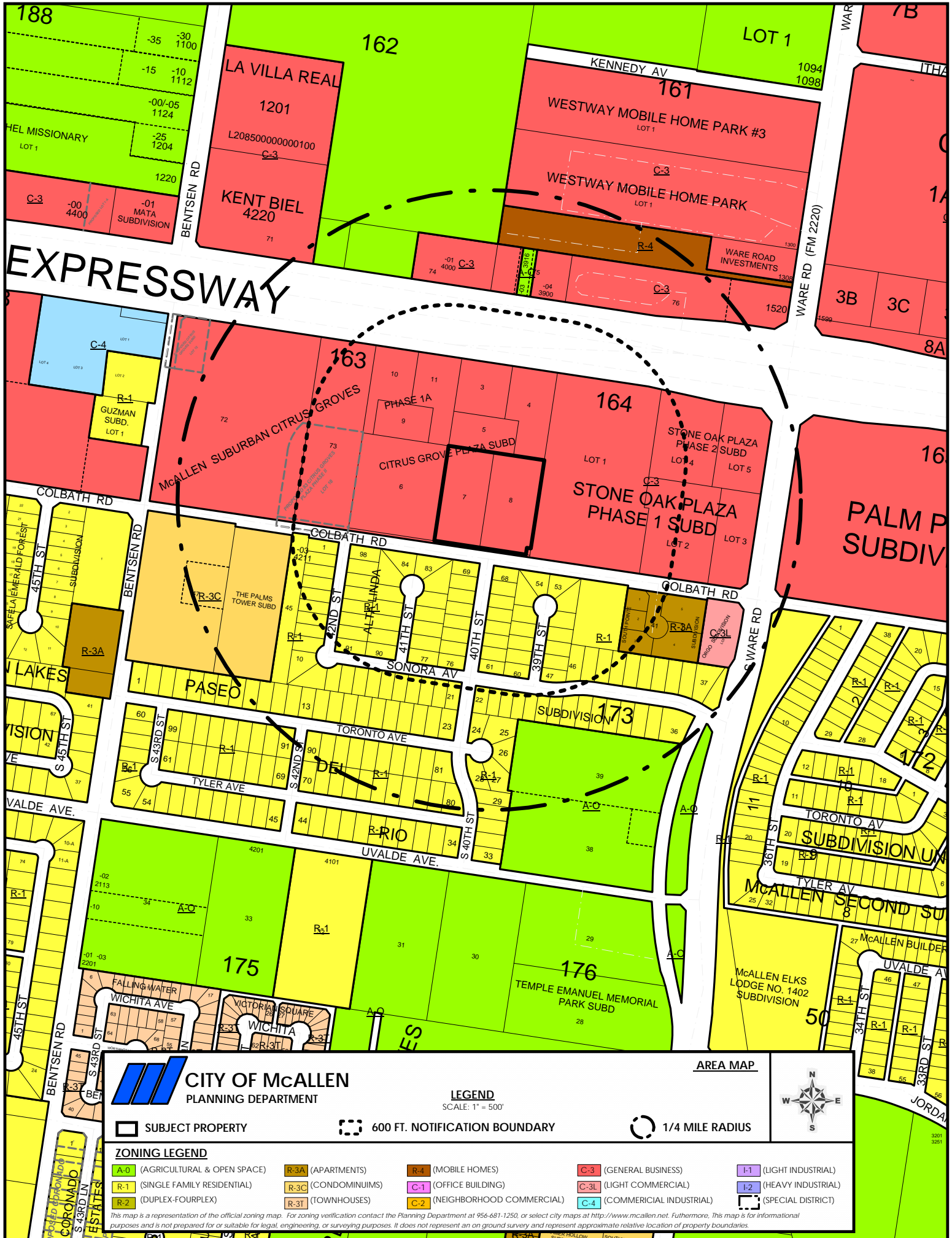
This item was heard at the November 5, 2013 Planning and Zoning Commission meeting. There was someone present to speak in opposition of the request. The applicant was present.

Ms. Esther Martinez, in opposition, expressed concerns with the traffic that would exit and enter thru the Colbath Road access, the noise from the establishment, and the possibility of patrons parking on Colbath Road.

Mr. Eduardo Sanchez, the applicant's representative, stated that the building was currently a shell and that the proper insulation will be installed to eliminate noise from exiting the building. He also stated that the bar would be only 21 and over customers and that they will have security on site with plenty of parking being available for the customers.

The board addressed the concerns of Ms. Martinez by recommending that a gate be placed at the entrance/access from Colbath Road. The gate is to be closed during the hours of operation of the establishment to eliminate patrons from existing and parking on Colbath Road.

Following discussion of the item, the board unanimously voted to disapprove the request due to non-compliance with requirement #1 (distance) of the Zoning Ordinance, but with a favorable recommendation to grant the variance, the placement of a gate at the access/entrance of Colbath Road, which is to be closed during the hours of operation, and with the added conditions for nightly trash pickup, sufficient lighting in the parking lot and providing security. There were four members present and voting. The applicant submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

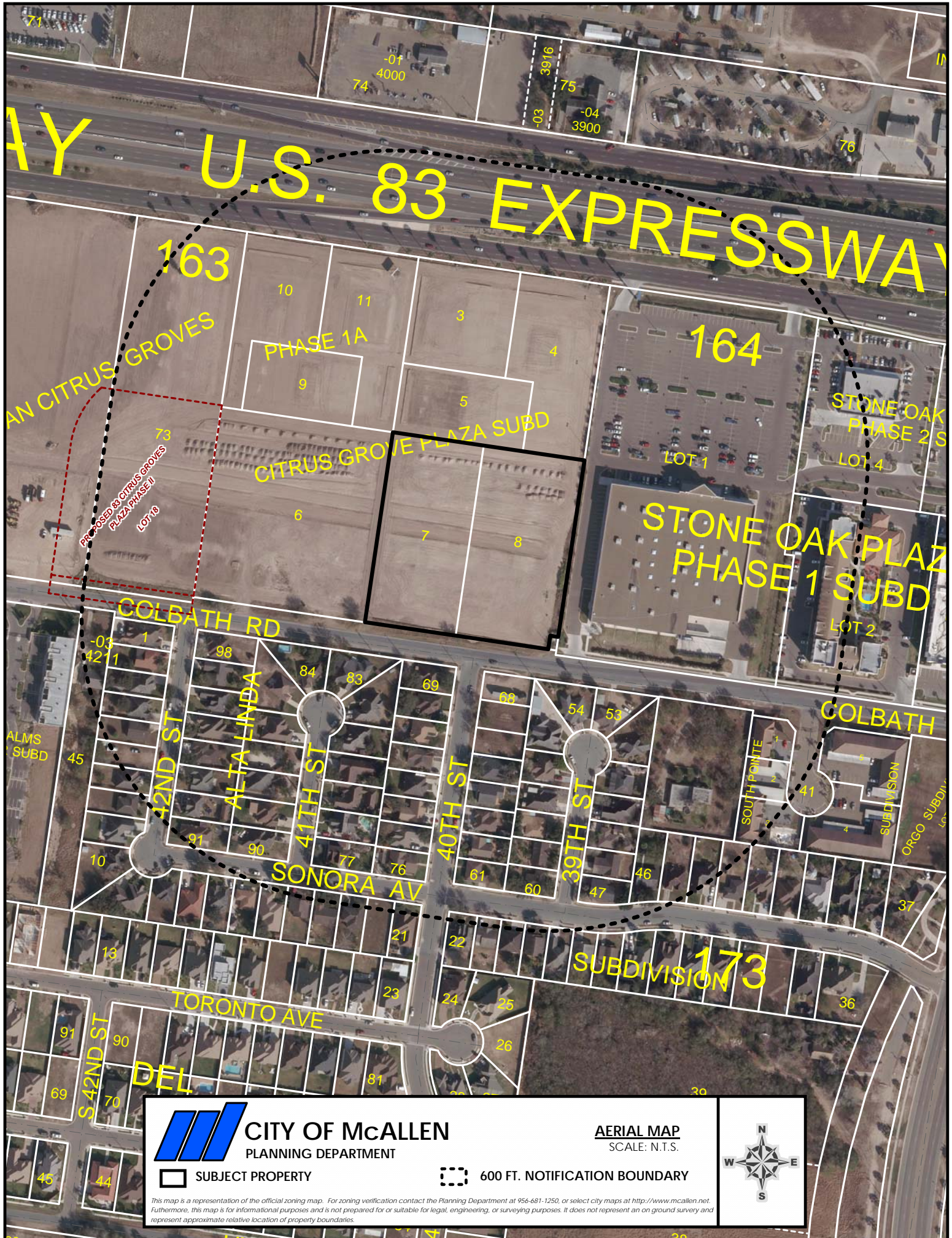
600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



AY U.S. 83 EXPRESSWAY

163 PHASE 1A CITRUS GROVES PLAZA SUBD

164 STONE OAK PLAZA PHASE 1 SUBD

COLBATH RD SONORA AV

42ND ST 41TH ST 40TH ST 39TH ST S 42ND ST TORONTO AVE



CITY OF McALLEN
PLANNING DEPARTMENT

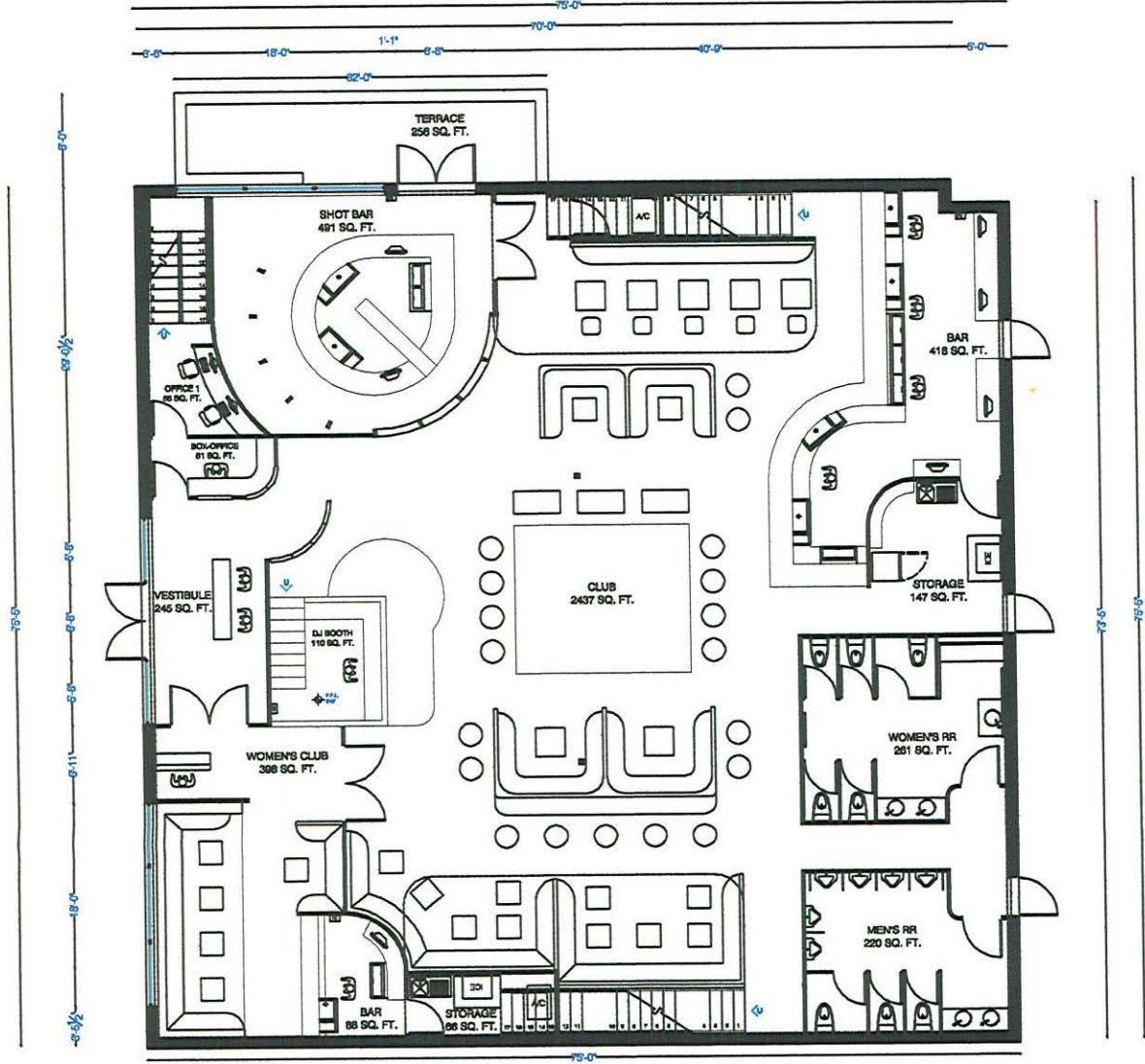
AERIAL MAP
SCALE: N.T.S.



 SUBJECT PROPERTY

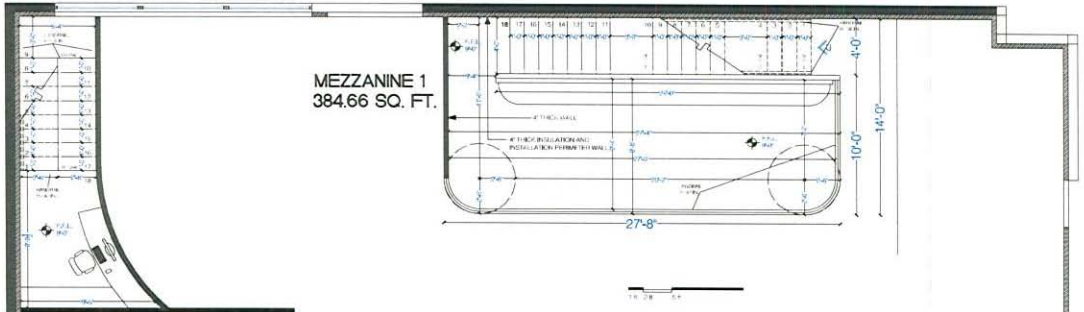
 600 FT. NOTIFICATION BOUNDARY

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5,513 SQ. FT.

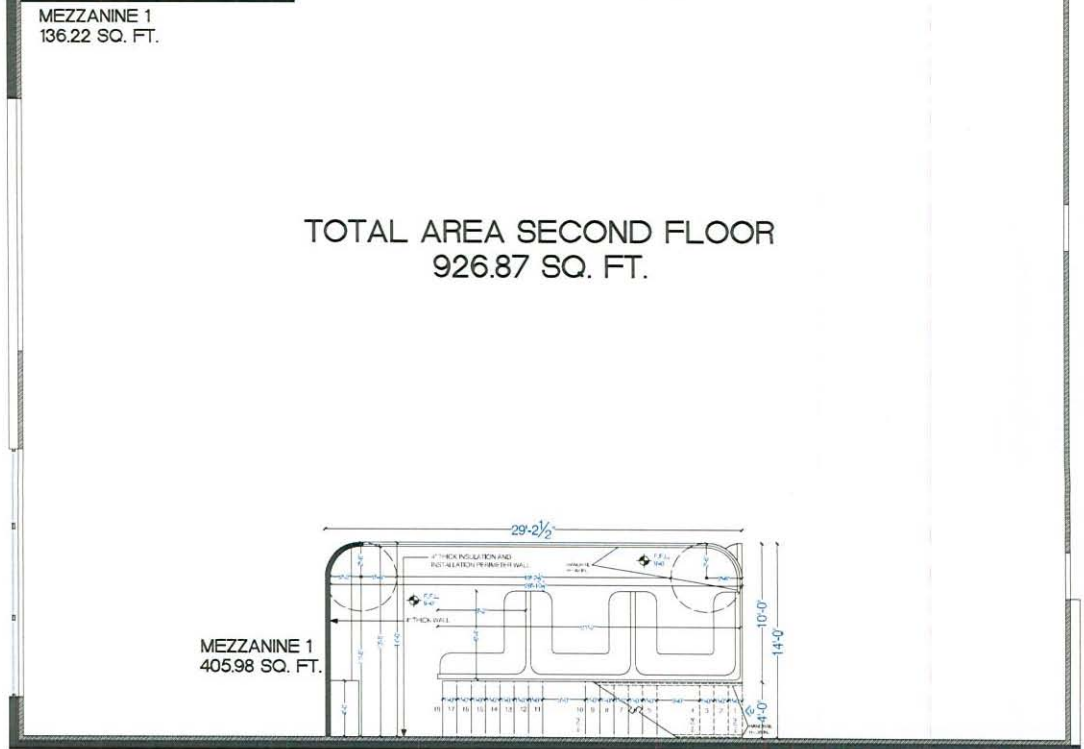
ARCHITECTURAL
 FLOORPLAN
 LOWER LEVEL
 SCALE: 1" = 1/16"



MEZZANINE 1
136.22 SQ. FT.



TOTAL AREA SECOND FLOOR
926.87 SQ. FT.





CITY OF McALLEN

JAMES E. DARLING, Mayor
 HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3
 AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4
 SCOTT C. CRANE, Commissioner District 1
 TREY PEBLEY, Commissioner District 2
 JOHN J. INGRAM, Commissioner District 5
 VERONICA VELA WHITACRE, Commissioner District 6

MIKE R. PEREZ, City Manager

November 4th, 2013

4037 Interstate 2/Expressway 83

200 Ft. Radius: 619,952 Sq. Ft.
 Subject Property: 167,205 Sq. Ft.
 Total Area of Opposition: 80,175 Sq. Ft.

$\frac{200 \text{ Ft Radius} - \text{Subject Property}}{\text{Total Adjusted Area}}$	$\frac{\text{Total Area of Opposition}}{\text{Total Adjust Area}}$	$= 0.*** \times 100 =$	$\text{Percentage of Opposition}$
--	--	------------------------	-----------------------------------

$\frac{619,952 \text{ Sq.Ft.} - 167,205 \text{ Sq.Ft.}}{452,747 \text{ Sq.Ft.}}$	$\frac{80,175 \text{ Sq.Ft.}}{452,747 \text{ Sq.Ft.}}$	$= 0.177 \times 100 = 17.7\% \text{ Opposition}$
--	--	--

November 12, 2013

Julianne R. Rankin, ACIP
Administrator of Urban Development
City of McAllen Planning Dept.
1300 Houston Avenue
McAllen, Texas 78501

Re: Conditional Use Permit Request for
Shiva Night Club 4037 Expressway 83
Mcallen Tx, 78501

Dear Mrs. Rankin:

As agent for the Owner of the above referenced proposed subdivision, I hereby request an appeal to the Planning and Zoning Commission of disapproval of the above mentioned project and be presented to the board of Commissioners for their consideration and action.

Advise if other information is required

Sincerely

Eduardo Sanchez

A handwritten signature in blue ink, appearing to read 'Eduardo Sanchez', with a horizontal line underneath the name.

Applicant
Ernesto Lozano

BENTSEN RD.



COLBATH ROAD

RECEIVED

1 3 2013

PL-12-13-1



**NOTICE
NIGHT CLUB
For
This Property
CUP2013-0173**

 City of McAllen Planning Dept - 681-1250
www.mcallen.net



grove
RESTAURANT
Available!

S+OUTDOORS

CITY OF MCALLEN
STANDARDIZED RECOMMENDATION FORM

10

CITY COMMISSION X
 UTILITY BOARD
 PLANNING & ZONING BOARD
 OTHER

AGENDA ITEM
 DATE SUBMITTED 11/13/13
 MEETING DATE 11/25/13

1. Agenda Item: Zoning Ordinance

2. Party Making Request: Kevin D. Pagan, City Attorney

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Ordinance Amending the Zoning Ordinance

4. Policy Implication:

5. Budgeted: Yes No N/A

Bid Amount: Budgeted Amount:
 Under Budget: Over Budget:
 Amount Remaining:

6. Alternate option costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Kevin D. Pagan City Attorney</u>	<u> </u>	<u> </u>	<u> </u>
b) <u>Julianne Rankin Director of Planning</u>	<u><i>JR</i></u>	<u>11-19</u>	<u>Yes</u>

8. Staff Recommendation: Subject to approval of rezoning by City Commission

9. Advisory Board: Approved Disapproved None

10. City Attorney: KDP Approved Disapproved None

11. Manager's Recommendation: ABR Approved Disapproved None

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from A-O (agricultural-open space) District to C-3 (general business) District:

A 3.25 acre tract, more or less, out of and forming, a part of the West 9.80 acres (called the West 10.0 acres) of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at ½ inch diameter iron rod set on the Northwest corner of said Lot 6, same being the Northwest corner of said Licon tract and further being located on the West right-of-way line of a Hidalgo County drainage district No. 1 (HCDD No. 1) ditch right-of-way;

THENCE, South 84 Deg. 34 Min. 48 Sec. East (South 84 Deg. 20 Min. 00 Sec. East – deed), coincident with the North line of said Lot 6 same being the North line of that certain 70.0 foot Hidalgo County I.D. No 1 canal right-of-

way, a distance of 19.63 feet pass a ½ inch diameter iron rod found on the Southwest corner of Lot "A", at a distance of 475.78 feet (474.83 feet – deed) in all to a ½ inch diameter iron rod set on the Northeast corner;

THENCE, South 08 Deg. 24 Min. 00 Sec. West, coincident with the East line of said Licon tract, same being the West line of said Druscilla Subdivision, a distance of 70.09 feet passing the South line of said 70.0 foot canal right-of-way line, at a distance of 562.30 feet to a ½ inch diameter iron rod set for the Northeast corner and Point of Beginning;

THENCE, continuing coincident with the East line of said Licon Tract, same being West line of said Druscilla Subdivision, a distance of 560.56 feet to a ½ inch diameter iron rod set on the Northeast corner, and, further being located on intersection with the North right-of-way line of F.M. 495 (also known as Pecan Avenue) being on a curve to the right whose radius is 2,824.79 feet for the Southeast corner;

THENCE, coincident with the North right-of-way line of said F.M. 495 with and along said curve, an arc length distance of 222.58 feet (Chord bearing North 69 Deg. 29 Min. 26 Sec. West, a distance of 222.52 feet) to a ½ inch diameter iron rod set on the Northwest corner of said 0.05 acre tract for the Southwest corner;

THENCE, North 02 Deg. 41 Min. 30 Sec. West, along a line parallel to the East line of HCDD No. 1 ditch right-of-way, a distance of 464.69 feet to a ½ inch diameter iron rod set for an outside western corner;

THENCE, North 47 Deg. 51 Min. 15 Sec. East, a distance of 76.50 feet to a

½ inch diameter iron rod set for the Northwest corner;

THENCE, South 81 Deg. 36 Min. 00 Sec. East, a distance of 258.61 feet to the POINT OF BEGINNING, containing 3.25 acres of land, more or less.

SECTION II: This Ordinance shall become effective immediately upon its passage and publication in accordance with the law.

SECTION III: This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners and the caption of this Ordinance shall be published according to Section 2-56 of the Code of Ordinances of the City of McAllen.

SECTION IV: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

SECTION V: This ordinance shall not be published in the Code of Ordinances of the City of McAllen, Texas as it is not amendatory thereof, however, it shall be cited in the appropriate appendix of the Code of Ordinances.

CONSIDERED, PASSED and APPROVED this 25th day of November, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of November 2013.

CITY OF MCALLEN

By: _____
James E. Darling, Mayor

ATTEST:

By: _____
Annette Villarreal, City Secretary

Approved as to form:

By: _____
Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

AGENDA ITEM **2A**
DATE SUBMITTED 11/20/2013
MEETING DATE 11/25/2013

1 Agenda Item: Approval of minutes.

2 Party Making Request: Annette Villarreal, City Secretary

3 Nature of Request: (Brief Overview) Attachments: Yes x No
Approval of Minutes of Workshop and Regular Meeting held November 11, 2013. Approval of Special Meeting held November 13, 2013. Approval of outstanding minutes for 2008 Workshops held March 10th, April 28th, June 16th, June 17th, September 22, 2008. Approval of outstanding minutes for 2009 Workshops held March 27th, August 17th and October 26, 2009, Special Meetings held September 3rd and September 28, 2009. Approval of outstanding minutes for 2011 Workshops held January 10th and July 25, 2011.

4 Policy Implication: Approval by City Commission

5 Budgeted: Yes No X N/A

Bid Amount: Budgeted Amount:
Under Budget: Over Budget:
Amount Remaining:

6 Alternate option costs:

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Annette Villarreal</u> <u>City Secretary, TRMC</u>	<u>AV</u>	<u>11/20/2013</u>	<u>YES</u>
b) <u> </u>	<u> </u>	<u> </u>	<u> </u>

8 Staff Recommendation: Approval

9 Advisory Board: Approved Disapproved None

10 City Attorney: KP Approved Disapproved None

11 Manager's Recommendation: ABB Approved Disapproved None

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, November 11, 2013**, at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, City Commission Liaison Elma Vela, City Engineer Yvette Barrera, Police Chief Victor Rodriguez, Director of Aviation Phil Brown, Director of Planning Juli Rankin, Director of Purchasing Sandra Zamora

CALL TO ORDER

Mayor Darling called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO NOVEMBER 11, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the Regular Meeting Agenda.

2. CONDUCT AIRPORT ENGINEER INTERVIEWS.

Said item was not addressed. Mayor Darling recessed the meeting at 4:00 pm to go into Executive Session. Mayor Darling reconvened the meeting at 5:00 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

3. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

- A) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Sections 551.072 and 551.071, T.G.C.)
- B) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 3, A.J. McColl Subdivision, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- C) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 5, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas and approve related resolution. (Sections 551.072 and 551.071, T.G.C.)

- D) Consultation with City Attorney regarding legal aspects of human resources process.
(Section 551.071, T.G.C.)
- E) Consideration of economic development matters. (Section 551.087, T.G.C.)

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:00 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, November 11, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Staff: Acting City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Public Works Director Carlos Sanchez, Director of Grant Administration Carla Rodriguez, Director of Aviation Phil Brown

CALL TO ORDER

Mayor Darling called the meeting to order.

PRESENTATIONS

RECOGNIZING THE VALLEY LEGISLATIVE DELEGATION

The Valley Legislative Delegation was recognized for their contributions during the 83rd Legislative Session.

TEXAS ONCOLOGY

A presentation was made by Texas Oncology to Mayor Darling for his support of their organization and their recent event.

SWEARING IN CEREMONY

Victor Flores was administered the Texas Bar Association Oath as well as the Oath of Office for the position of Assistant City Attorney.

PROCLAMATION

TEXAS RECYCLES' DAY

Commissioner Pebley read and presented a proclamation for *Texas Recycles' Day*.

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

- A) ROUTINE ITEMS:** *[All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]*

Mayor Darling asked if there was anyone to speak in opposition to the items listed under this section of the agenda. No one appeared. Commissioner Crane asked that item 4 be removed from this section of the agenda and addressed separately.

Commissioner Ingram moved to approve the items listed on the Routine Items section of the agenda with exception of item 4, which would be addressed separately. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: 1.07 ACRES OUT OF LOT 30, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9120 NORTH 23RD STREET.

Approved a C-1 zoning at 9120 North 23rd Street, as per Planning and Zoning Commission.

2. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 12, BLOCK 4, COLONIA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 GUMWOOD AVENUE.

Approved an R-2 zoning at 2400 Gumwood Avenue, as per Planning and Zoning Commission.

3. INITIAL ZONING TO C-3 (GENERAL BUSINESS) DISTRICT: 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6500 STATE HIGHWAY 107.

Approved an initial zoning to C-3 at 6500 State Highway 107, as per Planning and Zoning Commission.

4. REQUEST OF MICHAEL L. CRAIN ON BEHALF OF AT&T MOBILITY, FOR A CO NDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR PERSONAL WIRELESS SERVICE FACILITY AT LOTS 1 THROUGH 4, BLOCK 5, SOUTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 803 SOUTH 16 ½ STREET.

Staff recommended approval of a Conditional Use Permit, for life of the use, at 803 South 16 ½ Street, as per Planning and Zoning Commission, subject to Section 138-118 (11) of the Zoning Ordinance, co-location and FAA approval, building permit requirements, and conditions as noted with

buffer and vegetation compliance. The request must comply with requirements set forth in Section 138-118(11) of the Zoning Ordinance as follows:

- 1) Broadcast pole structure shall comply with the height requirements of the Airport Zoning Ordinance and the requirements set forth by the McAllen International Airport Advisory Board;
- 2) Maximum height of pole or tower structure is 80 ft. within commercial zones and 120 ft. within industrial zones. The ordinance previously allowed a 120 ft. pole or tower in commercial or industrial zones. There is an existing 100 ft. monopole on the property and will remain the same. The pole or tower structure became non-conforming in 2006 when the ordinance was revised, which reduced the maximum height allowed from 120 ft. to 80 ft. in a commercial zone;
- 3) One broadcast pole structure allowed per lot within commercial or industrial zone. There is no other pole structure on the property;
- 4) Minimum spacing between broadcast poles and tower structures within commercial or industrial zones of 1,000 ft. measured in a direct line of another tower;
- 5) Minimum setback of 25 ft. from the front property line, 10 ft. from side yard, and 10 ft. from rear, unless greater requirements as noted on subdivision plat;
- 6) A masonry wall shall be required as a buffer if pole or tower structure located within the front or side yard, or adjacent to a residential use or zone. The ordinance previously allowed the buffering of a ground site including fence and landscape materials. There is an existing chain link fence around the area of the tower and a 6 ft. opaque wood fence on the east and south side of the property. In 2003, the buffer requirement was revised to add the masonry wall requirement when adjacent to residential uses or zones;
- 7) The pole or tower structure must be constructed or installed with the capabilities of locating thereon additional PWSF's and the applicant agrees to cooperate with other PWSF providers in co-locating additional facilities on permitted support structures;
- 8) All conditional use applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposed PWSF site;
- 9) Failure to comply with the co-location requirements of this section may result in denial of a permit request or revocation of an existing permit; and
- 10) No form of pollution shall emanate beyond the immediate property line of the permitted use.

Mayor Darling asked if anyone was present to speak in opposition. No one appeared. A discussion was held relating to landscaping requirements.

After due consideration, Commissioner Crane moved to approve the Conditional Use Permit subject to similar landscape requirements for commercial lots. Commissioner Ingram seconded the motion. The motion carried unanimously.

5. REQUEST OF ALEJANDRO F. HERRERA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR GASOLINE SERVICE STATION AT THE 2.19 ACRES OF LAND OUT OF LOTS 7 AND 8 , KING'S HIGHWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3621 HIGHWAY 83.

Approved a Conditional Use Permit, for life of the use, at 3621 Highway 83, as per Planning and Zoning Commission, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed curb cut distances from the intersection are approximately 155 ft. east on U.S. Highway 83 and 232 ft. south on South Ware Road;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed building setback is approximately 167 feet on U.S. Highway 83 and 66 ft. on South Ware Road;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 23,048 sq. ft. and has no automobile servicing;
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from U.S. Highway 83 and 76 ft. from South Ware Road;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 57 ft. from U.S. Highway 83 and 66 ft. from South Ware Road; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

6. REQUEST OF ALEJANDRO F. HERRERA, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR GASOLINE SERVICE STATION AT THE 3.865 ACRES OUT OF LOT 15, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 DOVE AVENUE.

Approved a Conditional Use Permit, for life of the use, at 1901 Dove Avenue, as per Planning and Zoning Commission, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed

- curb cut distances from the intersection are approximately 252 ft. on Dove Avenue and 262 ft. on Bicentennial Boulevard;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed front yard setback is approximately 175 feet from Dove Avenue and 60.5 feet on Bicentennial Boulevard;
 - 4) All lighting shall be shielded from adjacent residential districts;
 - 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
 - 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 11,270 sq. ft. and has no automobile servicing;
 - 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from property line on Dove Avenue and 65.5 ft. from property line on Bicentennial Boulevard;
 - 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 47 ft. from property line on Dove Avenue and 60.5 ft. from property line on Bicentennial Boulevard; and
 - 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

7. REQUEST OF VICTOR BARRERA, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCEHALL AT LOT 1, MICHELLE'S BANQUET HALL SUBDIVISION, HIDALGO COUNTY, TEXAS; 2100 NOLANA AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a dancehall at 2100 Nolana Avenue, as per Planning and Zoning Commission, subject to providing extra security, nightly trash pickup, and compliance with the parking requirement. The establishment must comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 feet from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The property is within 600 ft. of residential zones and uses, the International Museum of Arts & Science, and McAllen's Library;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has direct access to Nolana Avenue;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. During inspection staff observed a 10 ft. X 12 ft. storage building, occupying two parking spaces, and an RV on site. Based on the new square footage 134 are required, 131 are

provided on site, being 5 spaces short including the two spaces the storage building is located on;

- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum number of persons allowed is 600.

8. REQUEST OF DOLIA N. LUCERO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOT 1-3, MCALLEN ATHLETIC MALL SUBDIVISION, HIDALGO COUNTY, TEXAS; 500 EAST HACKBERRY AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a nightclub, at 500 East Hackberry, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of a residence and residentially-zoned property;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to East Hackberry Avenue and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the Zoning Ordinance parking requirements at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the floor area, 114 parking spaces are required for this use; 197 spaces are provided and are part of the common parking lot;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties or residences by providing, when necessary, fences, hedges or reorientation of entrances and exits;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after

having taken into account the recommendations of the Fire Marshall, Building Official and Planning Director.

B) REZONING:

REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 PECAN BOULEVARD.

Staff recommended that said item be tabled at the request of the applicant.

Mayor Pro Tem Ramirez moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

C) CONDITIONAL USE PERMIT:

REQUEST OF RENE H. ALANIS, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR PERSONAL WIRELESS SERVICE FACILITY AT LOT 17, BLOCK A, CATHEY COURTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 128 BEAUMONT AVENUE.

Staff recommended disapproval of the Conditional Use Permit, for life of the use, at 128 Beaumont Avenue, as per Planning and Zoning Commission.

Questions were asked by staff.

Mayor Darling asked if there was anyone to speak in favor of the Conditional Use Permit. The applicant and his representative addressed the Commission in favor of the permit. Numerous questions were asked. After a lengthy discussion, additional information was requested.

Mayor Pro Tem Salinas moved to table said item. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

D) AMENDING THE ZONING ORDINANCE (INITIAL ZONING) PROVIDING THAT 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6500 STATE HIGHWAY 107 SHALL BE INITIALLY ZONED TO C-3 (GENERAL BUSINESS) DISTRICT.

Commissioner Ingram moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Pebley seconded the motion. The motion carried unanimously.

E) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN AS ENACTED MAY 29, 1979.

Commissioner Ingram moved to adopt the Zoning Ordinance for the approved tracts. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

END OF PUBLIC HEARING

Mayor Darling declared the Public Hearing closed.

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING

2. **CONSENT AGENDA:** *[All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]*

Commissioner Pebley moved to approve the items listed on the Consent Agenda with exception of Item F and said item be addressed separately. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF VARIOUS MEETINGS.

Approved minutes of various meetings: Workshop and Regular Meeting held October 28, 2013. Additionally, approved outstanding minutes for 2008 for Workshops held on February 11th, August 11th and August 25, 2008.

B) CONSIDER APPROVAL OF THE EXTENSION OF CONTRACT FOR DELINQUENT TAX COLLECTION WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLC.

Approved the extension of contract for Delinquent Tax Collection with Linebarger Goggan Blair & Sampson, LLC, for one (1) year as allowed by the contract, with the same unit prices and terms and conditions as per the original bid documents.

C) AUTHORIZATION TO DECLARE CERTAIN VEHICLES AS SURPLUS AND BEGIN AUCTION EFFORTS.

Authorized the declaration of certain vehicle as surplus and to begin auction efforts.

D) ORDINANCE PROVIDING FOR AMENDMENT OF ORDINANCE 2013-04 DELETING THE AFFORDABLE HOMES OF SOUTH TEXAS' NEIGHBORHOOD REVITALIZATION PROGRAM AND REPROGRAMMING SAID FUNDS INTO AFFORDABLE HOMES OF SOUTH TEXAS' HELPING HANDS GRANTS PROGRAM WHICH WERE DESIGNATED UNDER THE FISCAL YEAR 2012-2013 ACTION PLAN.

Adopted an ordinance providing for an amendment of Ordinance 2013-04 deleting the Affordable Homes of South Texas' Neighborhood Revitalization Program and reprogramming said funds into

Affordable Homes of South Texas' Helping Hands Grants Program which was designated under the Fiscal Year 2012-2013 Action Plan.

E) ORDINANCE PROVIDING FOR BUDGET AMENDMENT FOR THE NEW WORLD SYSTEM SOFTWARE PROJECT.

Adopted an ordinance providing for a budget amendment for the New World System Software Project, in the amount of \$213,124.

F) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE CONSTRUCTION IMPROVEMENTS AT TRINITY METHODIST CHURCH PARKING LOT AS PER THE APPROVED LEASE AGREEMENT FOR UTILIZATION OF THE PARKING LOT FOR THE BICENTENNIAL TRAIL.

Staff recommended adoption of an ordinance providing for a budget amendment for the construction improvements at Trinity Methodist Church Parking Lot as per the approved lease agreement for utilization of the parking lot for the Bicentennial Trail, in the amount of \$113,524.

A rendition of the improvements was requested.

Commissioner Crane moved to adopt the ordinance as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

3. BIDS/CONTRACTS:

A) CONSIDER APPROVAL OF CHANGE ORDER NO. 6 FOR MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.

Staff recommended approval of Change Order No. 6 in the amount of \$129,568 and 13 calendar days for the McAllen Miller International Airport Terminal Expansion Project, for a revised contract amount of \$19,478,985 and 755 calendar days.

Commissioner Pebley moved to approve the change order as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

B) REQUEST APPROVAL TO ACCEPT THE TXDOT RAMP GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM.

Staff recommended authorized the acceptance of a TXDOT Ramp Grant for Routing Airport Maintenance Program in the amount of \$50,000 with a 50% match from the City.

Commissioner Ingram moved to accept the grant as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

C) SELECTION OF AIRPORT GENERAL ENGINEERING CONTRACTOR AND AUTHORIZATION TO NEGOTIATE A FIVE-YEAR CONTRACT WITH SUCH FIRM.

Staff recommended that said item be removed from the agenda.

Mayor Pro Tem Ramirez moved to approve the agreement as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

D) AWARD OF CONTRACT FOR POOL ADMINISTRATION BUILDING HAIL DAMAGED RE-ROOF PROJECT.

Staff recommended award of contract for Pool Administration Building Hail Damaged Re-Roof Project to Sechrist-Hall Company, in the amount of \$33,531 and a contract time of 45 calendar days.

Mayor Pro Tem Salinas moved to remove the item from the agenda. Commissioner Pebley seconded the motion. The motion carried unanimously.

E) CONSIDER APPROVAL OF CHANGE ORDER NO 1 FOR RETIREE HAVEN SUBDIVISION DRAINAGE IMPROVEMENTS.

Staff recommended approval of Change Order No. 1 for Retiree Haven Subdivision Drainage Improvements to increase the contract amount to \$1,797,322.07 and 170 working days for the base bid and alternates 1 & 2. Alternate 3 remains unchanged at an additional 90 days.

Mayor Pro Tem Ramirez moved to approve the change order as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

F) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 2 TO S&B INFRASTRUCTURE FOR ENVIRONMENTAL ASSESSMENT SERVICES FOR ANZALDUAS SOUTHBOUND TRUCKS AND ADOPTION OF AN ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR SUCH SERVICES.

Staff recommended approval of Contract Amendment No. 2 to S&B Infrastructure for Environmental Assessment Services for Anzalduas Southbound Trucks and Adoption of an ordinance providing for a budget amendment for such services in the amount of \$20,185.75 for the Anzalduas Bridge Assessment Services.

Mayor Pro Tem Salinas moved to approve the contract amendment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

4. ORDINANCE PROVIDING FOR THE ANNEXATION OF A TRACT COMPRISING 2.5 ACRES AT THE NORTH SIDE OF STATE HIGHWAY 107, APPROXIMATELY 870 FEET EAST OF GLASSCOCK ROAD.

Staff recommended adoption of an ordinance providing for the voluntary annexation of a tract comprising 2.5 acres at the north side of State Highway 107, approximately 870 feet east of Glasscock Road.

Mayor Pro Tem Salinas moved to adopt the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

5. RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER THE FISCAL YEAR 2014 HORNED LIZARD LICENSE PLATE GRANT PROGRAM.

Staff recommended approval of a resolution authorizing the submission of a grant application to Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Horned Lizard License Plate Grant Program.

Commissioner Crane moved to approve the resolution as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

6. MANAGER’S REPORT:

A) CONSIDER ACCEPTANCE OF CIVIL SERVICE COMMISSIONER RESIGNATION AND APPOINTMENT OF REPLACEMENT.

Staff recommended acceptance of Terry Van Burkleo’s resignation from the Civil Service Commission and appoint Lee Jinks to serve the remainder of the unexpired term.

Commissioner Ingram moved to accept the resignation and approve the appointment as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

B) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Joint Meeting with MPUB on November 20th at 5:30 pm; Joint Meeting with McAllen ISD on December 3rd at 5:30 pm; Buffering requirements.

7. TABLED ITEMS:

A) DISCUSSION AND POSSIBLE ACTION REGARDING A WAIVER OF PENALTY AND INTEREST ON DELINQUENT TAXES FOR SINBON ELECTRONICS CO. LTD., CAUSE NO. T-1113-12-J.

Staff recommended that said item be removed from the table and agenda.

Commissioner Pebley moved to remove said item from the table and agenda. Commissioner Pebley seconded the motion. The motion carried unanimously.

B) CONSIDER AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH THE TOP RANKED FIRM FOR ARCHITECTURAL DESIGN SERVICES FOR ADDITIONAL RESTROOM FACILITIES AT DE LEON NORTH SOCCER FACILITY.

Commissioner Pebley moved to remove said item from the table. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

Staff recommended authorization to negotiate a contract with the top ranked firm of Boultinghouse Simpson, Gates, LLC, for architectural design services associated with the additional restroom facilities at De Leon North Soccer Facility. Staff reported that the design provided for a certain number of fixtures by Code that would require specialized design plans and hence could not be done in-house.

Commissioner Ingram moved to authorize negotiation of contract with the recommended firm. Commissioner Pebley seconded the motion. The motion carried unanimously.

8. MAYOR’S REPORT:

A) DISCUSSION OF MCALLEN’S OPPORTUNITIES WITH NEW UNIVERSITY.

Mayor Darling gave a report on McAllen’s opportunities with new university.

B) REPORT ON UNOFFICIAL ELECTION RESULTS.

Mayor Darling gave a report on the favorable outcome of the City Bond Election Projects on the November 5, 2013 ballot and thanked the voters for their support of the three (3) propositions that would contribute to the quality of life.

PUBLIC COMMENT SESSION

Attorney Mark Freeland addressed the City Commission.

9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Item 9E; Section 551.071 Consultation with Attorney for Items 9A, 9B, 9C and 9D; and Section 551.072 Deliberation regarding Real Property for Items 9A, 9B and 9C; and Section.

Commissioner Whitacre announced that she had a conflict with item 9A and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

Commissioner Ingram moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Pebley seconded the motion. The motion carried unanimously.

Mayor Darling recessed the meeting at 6:40 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:14 pm and addressed the action on Executive Session items.

- A) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTIONS 551.072 AND 551.071, T.G.C.)**

No action.

- B) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 3, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the Mayor to take the action discussed in the Executive Session subject to no changes in the underlined facts that were presented. Commissioner Crane seconded the motion. The motion carried unanimously.

- C) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS AND APPROVE RELATED RESOLUTION. (SECTIONS 551.072 AND 551.071, T.G.C.)**

No action.

- D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF HUMAN RESOURCES PROCESS. (SECTION 551.071, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize the Mayor to take the action discussed in the Executive Session subject to no changes in the underlined facts that were presented. Commissioner Crane seconded the motion. The motion carried unanimously.

- E) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

Commissioner Pebley moved to authorize the President of the McAllen Economic Development Corporation to offer the economic incentives for that project as per the discussion in Executive Session. Commissioner Whitacre seconded the motion. The motion carried unanimously.

Commissioner Pebley moved to authorize staff and the commission liaison to communicate that deadline to the developer. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Special Meeting on **Wednesday, November 13, 2013**, at 8:00 am, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Absent: Mayor Pro Tem Aida Ramirez

Staff: Acting City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Wendy Smith, Assistant City Attorney Iris Aguilar-Dominguez, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, City Commission Liaison Elma Vela, City Engineer Yvette Barrera, Director of Parks and Recreation Sally Gavlik, Administrative Supervisor Yesenia Rodriguez

Others: Brian Godinez

CALL TO ORDER

Mayor Darling called the meeting to order.

1. OFFICIAL CANVASS OF ELECTION RETURNS FOR THE CITY'S SPECIAL ELECTION HELD NOVEMBER 5, 2013.

The City Secretary distributed a summary depicting the election returns for the City's Special Election held November 5, 2013 and read the total votes cast for each of three (3) propositions:

Proposition 1 (Street Improvements Proposition)

Total votes cast FOR – 3,379

Total votes cast AGAINST – 1,724

Proposition 2 (Performing Arts Center Proposition)

Total votes cast FOR – 2,599

Total votes cast AGAINST – 2,486

Proposition 3 (Parks and Recreation Improvements)

Total votes cast FOR – 2,743

Total votes cast AGAINST – 2,357

A copy of the official results summary is attached hereto and made part of the official minutes as "Exhibit A".

2. ADOPTION OF AN ORDINANCE CERTIFYING THE OFFICIAL ELECTION RETURNS.

Mayor Darling recommended adoption of an ordinance certifying the official election results for the City's Special Election as the City Commission officially finds, determines, and declares the result of said election to be that the Propositions so submitted received a favorable majority vote in all respects and have carried.

Mayor Pro Tem Salinas moved to adopt the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:15 a.m.

Exhibit "A" to Special Meeting

Minutes of November 13, 2013

SUMMARY REPT-GROUP DETAIL

2013 CITY OF MCALLEN ELECTION
 HIDALGO COUNTY, TEXAS
 NOVEMBER 5, 2013

OFFICIAL RESULTS

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	ABSENTEE	PROVISIONALS	LIMITED BALLO
PRECINCTS COUNTED (OF 255)	255	100.00					
REGISTERED VOTERS - TOTAL	305,269						
BALLOTS CAST - TOTAL	18,827		6,452	11,899	472	2	2
BALLOTS CAST - BLANK	5	.03	0	0	4	0	1
VOTER TURNOUT - TOTAL		6.17					
VOTER TURNOUT - BLANK							
CITY OF MCALLEN PROPOSITION 1							
VOTE FOR ONE (1) 1							
(WITH 60 OF 60 PRECINCTS COUNTED)							
FOR (A FAVOR)	3,379	66.22	1,140	2,236	3	0	0
AGAINST (EN CONTRA)	1,724	33.78	739	982	3	0	0
Total	5,103		1,879	3,218	6	0	0
Over Votes	0		0	0	0	0	0
Under Votes	75		21	53	0	1	0
CITY OF MCALLEN PROPOSITION 2							
VOTE FOR ONE (1) 1							
(WITH 60 OF 60 PRECINCTS COUNTED)							
FOR (A FAVOR)	2,599	51.11	812	1,783	4	0	0
AGAINST (EN CONTRA)	2,486	48.89	1,055	1,429	2	0	0
Total	5,085		1,867	3,212	6	0	0
Over Votes	0		0	0	0	0	0
Under Votes	93		33	59	0	1	0
CITY OF MCALLEN PROPOSITION 3							
VOTE FOR ONE (1) 1							
(WITH 60 OF 60 PRECINCTS COUNTED)							
FOR (A FAVOR)	2,743	53.78	887	1,853	3	0	0
AGAINST (EN CONTRA)	2,357	46.22	988	1,366	3	0	0
Total	5,100		1,875	3,219	6	0	0
Over Votes	0		0	0	0	0	0
Under Votes	78		25	52	0	1	0

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, March 10, 2008** at 2:30 pm, at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Marcus C. Barrera, Commissioner Scott Crane, Commissioner Hilda Salinas, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Parks and Recreation Larry Pressler, Convention Center Director Omar Rodriguez, Library Director Jose Gamez

CALL TO ORDER

Mayor Cortez called the meeting to order.

**1. PRESENT QUESTIONS TO STAFF RELATING TO MARCH 10, 2008
REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were none.

2. REVIEW NEW MAIN LIBRARY MASTER PLAN.

Library Director Gamez along with Architects Bob Simpson and Jack Polling, gave an update on the Library Master Plan. Additional improvements were reviewed including an outdoor activity area, outdoor garden, enhanced site design, natural light fixtures, meeting rooms and a small auditorium.

A Question and Answer Session was held. It was noted that Mayor Pro Tem Barrera and Commissioner Salinas would lead the City Commission on this project.

3. REVIEW CONVENTION CENTER CURRENT POLICIES AND PROCEDURES.

Mayor Cortez entertained input on the current policies and procedures for the Convention Center.

The following individuals addressed the Commission: Anahid Petrosian, Sylvia Valdez, Lupe Camargo, Armando Garza, Steve Ahlenius, Quincy Barnes, Johnny Amirhosseini, Christopher Curl, Keri Gonzalez, Genevie Ridolfo, Lisa Conner, Holly Smith, Ryan Murphy, Marc Fantich, Tom Moore, Pat Risica, Bob Davis, Teresa De Jesus, Melba Huber, and Nancy Millar.

Mayor Cortez thanked these folks and stated that their comments and suggestions would be taken into consideration.

4. DISCUSSION RELATING TO PUBLIC ART PROPOSED GUIDELINES AND FUNDING OF ART AT QUINTA MAZATLAN.

Mr. Rick Guerra addressed the City Commission relating to the money raised for art at Quinta Mazatlan entitled “Magic in the Woods”. It was reported that once completed, the trail would feature over 20 metal sculptures depicting wildlife in the Rio Grande Valley and the interpretive signage would complement the sculptures along the half-mile trail. He requested that the Commission consider funding several pieces of art since the City had monies in the budget for art.

Mr. Steve Ahlenius briefly highlighted the purpose and goals of the Public Art Guidelines. A discussion was held about the budget for public art and about the creation of a Public Art Committee under the Chamber’s direction.

5. DISCUSSION OF DOWNTOWN ORDINANCE REVISIONS.

Mr. Jim Deuser addressed the City Commission and briefly reported on the Heart of the City Overlay Districts. He reviewed the proposed ordinance that would expand the Entertainment and Cultural Overlay District south along 17th Street and onto the east from along Austin Avenue, to reach 10th Street. The goal was reviewed to potentially encourage further development.

Item 6 was not addressed.

6. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION – RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION RELATING TO 380 AGREEMENTS FOR DOWNTOWN PARKING GARAGE TENANTS. (SECTION 551.087, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR LA PLAZA MALL EXPANSION. (SECTION 551.087, T.G.C.)**

- F) DISCUSSION AND POSSIBLE ACTION – CONSIDER ECONOMIC INCENTIVES FOR OPERATION HARDSTAND. (SECTION 551.087, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION RELATING TO PURCHASING A SEVEN ACRE TRACT OUT OF LOT 136, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY TO BE USED FOR DRAINAGE DETENTION AREA. (SECTION 551.072, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION TO CONSIDER A RESOLUTION TO ACQUIRE 72.034 ACRES OUT OF LOTS 13 & 14, SECTION 5, HIDALGO CANAL COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- I) DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACT WITH HALF COURT ENTERTAINMENT. (SECTION 551.071, T.G.C.)**
- J) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE PURCHASE OF 47.76 ACRES OUT OF LOTS 9 AND 10, SECTION 5, HIDALGO CANAL COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- K) DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT: C-370-08-G; OLGA MENDOZA VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- L) DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION: ON CITY OF MCALLEN VS. JESUS GONZALEZ AND MARIA DEL ROSARIO GONZALEZ. (SECTION 551.071, T.G.C.)**
- M) DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY REGARDING POSSIBLE LITIGATION FOR DRUG TESTING IN THE FIRE DEPARTMENT. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the boards, the meeting was adjourned at 3:53 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, April 28, 2008** at 2:30 pm, at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Marcus C. Barrera, Commissioner Scott Crane, Commissioner Hilda Salinas, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, Deputy City Secretary Perla Zamora, City Engineer Yvette Barrera, Director of Parks and Recreation Larry Pressler, Director of Planning Juli Rankin

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO APRIL 28, 2008 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

Concerns were expressed relating to items 1C, 2A, 2D, 2E, 2F, 3B and 1L.

2. CONDUCT INTERVIEWS FOR PROFESSIONAL SERVICES.

Interviews were conducted for Professional Services. Each firm was allowed a few minutes to make a presentation highlighting their respective qualifications, experience and accomplishments. The firms interviewed were: Amtech, Milnet Architectural Services, Negrete & Kolar Architects, Alamo Architects, TAG International, Half Associates and The Alex Group.

A Question and Answer Session was held after each presentation. Mayor Cortez thanked each of the representatives for their respective presentations.

Item 3 was not addressed.

3. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**

- C) **DISCUSSION AND POSSIBLE ACTION – CONSIDER FUTURE DEVELOPMENT OF THE 10 ACRES UNDER THE 272 AGREEMENT FOR DRISCOLL MCALLEN SPECIALTY CLINIC. (SECTION 551.072, T.G.C.)**
- D) **DISCUSSION AND POSSIBLE ACTION – CONSIDER ACQUIRING RIGHT-OF-WAY FROM HIDALGO COUNTY IRRIGATION DISTRICT #3 FOR THE EXTENSION OF BICENTENNIAL BLVD. FROM NOLANA TO TRENTON. (SECTION 551.072, T.G.C.)**
- E) **DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY RELATING TO FIXED BASE OPERATIONS AT MCALLEN MILLER INTERNATIONAL AIRPORT. (SECTION 551.071, T.G.C.)**
- F) **DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY REGARDING DEPARTMENT OF HOMELAND SECURITY LITIGATION. (SECTION 551.071, T.G.C.)**
- G) **CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LAWSUIT CAUSE NO. C-1959-06-1 (1); MCALLEN POLICE OFFICERS UNION AND MICHAEL ZELLERS VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- H) **CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS COMP/LOSS RUN REPORT AS OF MARCH 31, 2008. (SECTION 551.071, T.G.C.)**
- I) **DISCUSSION AND POSSIBLE ACTION – MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF MARCH 31, 2008. (SECTION 551.071, T.G.C.)**
- J) **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR LA PLAZA MALL EXPANSION. (SECTION 551.087, T.G.C.)**
- K) **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**

ADJOURNMENT

There being no other business to come before the boards, the meeting was adjourned at 3:50 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, June 16, 2008** at 3:00 pm and **Tuesday, June 17, 2008** at 3:00 pm, at the McAllen Convention Center Meeting Room 102 A-B-C, with the following present:

Mayor Richard Cortez, Commissioner Scott Crane, Commissioner John Ingram, Commissioner Jim Darling

Absent: Mayor Pro Tem Marcus C. Barrera, Commissioner Hilda Salinas, Commissioner Aida Ramirez

McAllen Public Utility Board: Chairman Tony Aguirre, Vice Chairman Charles Amos, Trustee Trey Pebley, Ex-Officio Member/Commissioner Scott Crane

Staff: All City and MPU Department Heads, McAllen Chamber of Commerce Director Steve Ahlenius, McAllen Economic Development Director Keith Patridge, Foresight McAllen Member Greg Townsend

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. DISCUSSION OF CITY OF MCALLEN BUSINESS PLAN ALONG WITH GOALS AND STRATEGIES.

Mr. Greg Townsend made a presentation on the Strategic Business Plan where he outlined Key Strengths, Key Weaknesses, Primary Threats, Key Opportunities, and Key External Factors that may affect McAllen. Additionally, he reviewed the summary of strategic goals:

- Goal 1: Enhance McAllen's image as a Creative Class City
- Goal 2: Determine sustainability of Retail Sales Tax Income; expand; strengthen
- Goal 3: Diversify area economy and city revenue so that city is less dependent on sales tax over time
- Goal 4: Enhance image of security
- Goal 5: Continue Policies which enhance and secure McAllen's long term financial position
- Goal 6: Optimize McAllen's infrastructure
- Goal 7: Enhance and improve McAllen's image related to education

A Question and Answer Session was held. Input was requested about the SWOTS (strengths, weaknesses, opportunities, threat). Comments were made by the PUB members as well as City Commissioners. Mr. Townsend talked about the strategic plan implementation where the goals of the Strategic Business Plan were reviewed.

Water and sewer services were discussed at length in correlation to annexation. After due consideration, strategic annexation was recommended.

Mayor Cortez thanked the committee for the presentation.

RECESSED

Mayor Cortez recessed the meeting at 7:40 pm and announced that the workshop would resume on Tuesday, June 17, 2008 at 3:00 pm at the same location.

RECONVENED

Mayor Cortez reconvened the meeting on Tuesday, June 17 2008 at 3:00 pm with the following present:

Mayor Richard Cortez, Commissioner Scott Crane, Commissioner Hilda Salinas, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Absent: Mayor Pro Tem Marcus C. Barrera

McAllen Public Utility Board: Chairman Tony Aguirre, Vice Chairman Charles Amos, Trustee Trey Pebley, Ex-Officio Member/Commissioner Scott Crane

Staff: All City and MPU Department Heads, McAllen Chamber of Commerce Director Steve Ahlenius, McAllen Economic Development Director Keith Patridge, Foresight McAllen Member Greg Townsend

The Strategic Business Plan was discussed at length. Management staff outlined the objectives and strategies for each of the goal. Comments were made by members of the two elected bodies and suggestions were made.

Mayor Cortez thanked the team members for their hard work.

ADJOURNMENT

There being no other business to come before the boards, the meeting was adjourned at 6:43 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, September 22, 2008** at 2:30 pm, at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Commissioner Scott Crane, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Absent: Mayor Pro Tem Marcus C. Barrera, Commissioner Hilda Salinas

McAllen Public Utility Board: Chairman Charles Amos, Vice Chairman Tony Aguirre, Trustee Trey Pebley, Ex-Officio Member/Commissioner Scott Crane

Absent: Trustee Roger Garza

Staff: Deputy City Manager Brent Branham, PUB General Manager Roy Rodriguez, City Attorney Kevin Pagan, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Benefits Coordinator Becky Ramirez, Utility Engineer Mark Vega, PUB Assistant Board Secretary Edith Shelton, PUB Finance Director Melba Carvajal, City Engineer Yvette Barrera, Director of Planning Juli Rankin

CALL TO ORDER

Mayor Cortez called the meeting to order.

- 1. PRESENT QUESTIONS TO STAFF RELATING TO SEPTEMBER 22, 2008 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were none.

- 2. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:**

Chairman Amos called the meeting to order on behalf of the MPU Board.

- A) DISCUSSION OF HEALTH INSURANCE AND RETIREMENT HEALTH SAVINGS ACCOUNT.**

Staff gave a report on the last directive given to staff relating to the Health Insurance and Retirement Health Savings account. Two representatives from the hired independent firm, Wortham, gave a brief presentation relating to the goals and objectives. The city's current medical and pharmaceutical expenses were discussed as well as PPO discounts.

A comparative analysis of the Generic and Brand Drugs was reviewed for the last two fiscal years. Staff recommended a third tier on the pharmacy plan which included a \$0/\$30/\$50 co-pay for

prescription drugs. Numerous initiatives for employees were reviewed including newsletters, and wellness and exercise programs.

B) DISCUSSION OF PROPOSED UTILITY RATE INCREASE AS RECOMMENDED BY THE MCALLEN PUBLIC UTILITY BOARD.

MPU Staff reviewed the water rate increase as part of the proposed budget:

- \$1.30 per 100 gallons for the first 12,999 gallons
- \$1.60 for 13,000 to 17,999 gallons
- \$1.80 per 1,000 gallons thereafter

It was reported that there was no sewer rate increase proposed for this fiscal year. A discussion was ensued about high end users and usage.

END OF JOINT MEETING WITH MPUB

There being no other business to come before the Public Utility Board, the meeting was adjourned at 3:52 pm.

3. DISCUSSION RELATING TO CAPP/STAP LONG TERM CONTRACT PACKAGE.

Commissioner Darling reported that the City of McAllen was very active in utility rate matters and participation in the South Texas Aggregation Project, Inc. (STAP). He reported on the proposed contract that would commit the city to purchase electric power through the Cities Aggregation Power Project (CAPP) long term for a period of up to 24 years. Commissioner Darling mentioned that this five year contract would save the City of McAllen over \$500,000 a year.

A Question and Answer Session was held.

Item 4 was not addressed.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS), AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO TRI-WANIS VENTURE'S REQUEST REGARDING THE CONVENTION CENTER HOTEL. (SECTION 551.072, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER AND DEPARTMENT HEADS. (SECTION 551.074, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION RELATING TO BENTSEN ROAD PROJECT (IRRIGATION IMPROVEMENTS). (SECTION 551.071, T.G.C.)**

- E) CONSULTATION WITH CITY ATTORNEY REGARDING WORKERS' COMP. REPORT AS AUGUST 31, 2008. (SECTION 551.071, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY RELATING TO CAUSE NO. C-1765-08-A; JAMES CLOPTON, ET UX VS. MAYOR RICHARD CORTEZ. (SECTION 551.071, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO CAUSE NO.CL-06-2058-A; CITY OF MCALLEN, ET AL VS. RAMONCITA CISNEROS. (SECTION 551.071, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION: CITY VS. GREG ABBOTT, ATTORNEY GENERAL. (SECTION 551.071, T.G.C.)**
- I) CONSULTATION WITH CITY ATTORNEY REGARDING OPTIONS ON DOWNTOWN PARKING GARAGE IMPROVEMENTS ASSOCIATED WITH THE COMPLETION OF CERTAIN PENDING ITEMS AND CORRECTIVE MEASURES. (SECTION 551.071, T.G.C.)**
- J) CONSULTATION WITH CITY ATTORNEY RELATING TO MASTER LEASE AGREEMENT TO ESTABLISH A DUAL CUSTOMS FACILITY. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting as adjourned at 4:02 pm.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners gathered for a short tour of various city projects on **Friday March 27, 2009**, at 3:30 pm at McAllen City Hall, Third (3rd) Floor Commission Chambers, with the following in attendance:

Marcus C. Barrera	Mayor Pro Tem
Jim Darling	Commissioner
Hilda Salinas	Commissioner
John Ingram	Commissioner
Aida Ramirez	Commissioner

Absent:	Richard F. Cortez	Mayor
	Scott Crane	Commissioner

Staff:	Mike Perez	City Manager
	Brent Branham	Deputy City Manager
	Wendy Smith	Assistant City Manager
	Annette Villarreal	City Secretary
	Mark Vega	Assistant General Manager

1. TOUR AND DISCUSSION OF VARIOUS CITY PROJECTS.

The Retiree Haven development was briefly visited during the tour of various city projects, as it was reported to have been severely impacted by Hurricane Dolly as it relates to drainage. Management Staff gave a perspective update relating to the funding received from Hurricane Dolly which addressed the specific needs of said development. The following facilities were toured and reports were given by management staff:

- Anzalduas International Bridge
- McAllen Compost Facility
- Palm View Golf Course
- McAllen Convention Center
- Bryan Brush Pit
- Firing Range
- Water Treatment Plant Number #1

An overview of the Water Treatment Plant activities was given by MPU Management Staff.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:45 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, August 17, 2009** at 5:30 pm at the Palm View Golf Course Meeting Room, with the following present:

Commissioner Marcus C. Barrera, Commissioner Scott Crane, Commissioner John Ingram
Commissioner Jim Darling

Absent: Mayor Richard Cortez, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez

Staff: City Manager Mike Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, PUB General Manager/Asst. City Manager Roy Rodriguez, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, Deputy City Secretary Perla Zamora, Director of Finance Jerry Dale, Assistant Budget Director Angie Rodriguez, Director of Grant Administration Carla Rodriguez

CALL TO ORDER

Commissioner Barrera called the meeting to order in the absence of Mayor Cortez.

1. DISCUSSION OF FY 2009-10 BUDGET.

Staff provided an overview of the fiscal year 2009-2010 budget process and briefly reviewed the outside budget funding requests. The following agency representatives reviewed their respective proposed budget along with their accomplishments for current year and goals for next fiscal year:

- Boys & Girls Club of McAllen
- International Museum of Art & Science
- McAllen Chamber of Commerce
- McAllen Economic Development Corporation

A Question and Answer Session was held after each agency presentation. Mayor Cortez thanked the agencies for their respective presentations.

**2. DISCUSSION AND POSSIBLE ACTION REGARDING SELECTION OF
VENDOR FOR VIDEO SURVEILLANCE PROJECT.**

This item was not discussed and staff was directed to place this item on the next workshop agenda.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:52 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Special Meeting on **Thursday, September 3, 2009** at 5:30 pm at McAllen City Hall, Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Hilda Salinas, Commissioner Marcus C. Barrera, Commissioner John Ingram Commissioner Jim Darling

Absent: Mayor Pro Tem Aida Ramirez

McAllen Public Utility Board: Chairman Roger Garza, Vice-Chairman Tony Aguirre, Trustee Charles Amos, Trustee Trey Pebley

Staff: City Manager Mike Perez, General Manager/Assistant City Manager Roel Rodriguez, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Deputy City Secretary Perla Zamora, Assistant General Manager Mark Vega

CALL TO ORDER

Mayor Cortez called the meeting to order.

Chairman Roger Garza called the meeting to order on behalf of the McAllen Public Utility Board.

1. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:

A) DISCUSSION AND POSSIBLE ACTION RELATING TO AWARD OF BID FOR EMPLOYEE BENEFIT PLANS.

Staff provided an overview of the employee benefits plan and introduced Mr. Brian Kaleskint with Blue Cross/Blue Shield, and Mr. Clay Simons with HealthSmart. Each of the two representatives made presentations on the benefits and programs each had to offer with the objective of providing greater purchasing efficiency savings at the lowest health care cost. A Question and Answer Session followed after each of the presentations.

The Commission reviewed the presentations and discussed their concerns. Commissioner Darling noted that Blue Cross/Blue Shield was a better deal. Mr. Jarrad Wills with Holmes Murphy (HMA), gave a brief summary of the marketing analysis for the Employee Benefits for 2009-2010 including: Medical, Dental, Vision, Basic Life, Supplemental Life, Long Term Disability, Short Term Disability, Flexible Spending and Voluntary Benefits.

After due consideration, the following Employee Benefits Plan recommendations were made:

- 1) Remain with Blue Cross Blue Shield of Texas for Medical, Rx, Stop Loss and Claims Administration
- 2) Move to Guardian for Dental
- 3) Move to Avesis for Vision

- 4) Continue the current Lincoln Financial Group contract for Basic and Supplemental Life
- 5) Move to Lincoln Financial Group for Long and Short Term Disability
- 6) Remain with Colonial for voluntary products

Commissioner Darling moved to award the bid as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

Vice Chairman Aguirre moved to award the bid as recommended. Trustee Amos seconded the motion. The motion carried unanimously.

B) DISCUSSION AND POSSIBLE ACTION RELATING TO INSURANCE.

An analysis report relating to Insurance Agent Net of Commission was reviewed along with staff's recommendation to select the agents by lottery. A discussion was held about the proposed lottery.

After due consideration, Commissioner Crane moved to approve the insurance agent selection by lottery as recommended by staff. Commissioner Darling seconded the motion. The motion carried unanimously by those present by those present.

Trustee Amos moved to approve the insurance agent selection by lottery as recommended by staff. Trustee Pebley seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:05 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Special Meeting on **Monday, September 28, 2009** at 2:00 pm at the City Commission Chambers-3rd Floor with the following present:

Mayor Richard F. Cortez, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Marcus C. Barrera, Commissioner Scott Crane, Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike Perez, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, City Attorney Kevin Pagan, City Secretary Annette Villarreal, Director of Finance Jerry Dale, PUB General Manager/Asst. City Manager Roy Rodriguez, Public Works Director Carlos Sanchez, Public Information Office Director Roy Cantu

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO SEPTEMBER 28, 2009 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were none.

2. RECONSIDERATION OF VIDEO STORAGE SYSTEM FOR MCN.

Management Staff recommended that the proposed Video Storage System for MCN in the amount of \$125,000, be withdrawn from consideration at this time and removed from the proposed budget until such time as direction is given to MCN about their role. A lengthy discussion and dispute was held about MCN's role as a marketing device and having the tools and equipment needed to accomplish the desired goals and objectives.

After due consideration, Commissioner Barrera moved to exclude this item from this year's budget. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion carried as follows:

AYES: Commissioners Barrera, Mayor Pro Tem Salinas and Ramirez

NAYES: Commissioners Darling, Ingram, Crane and Mayor Cortez

ABSENT: None

ABSTAIN: None

3. DISCUSSION OF TRANSFER OF FUNDS TO THE MCALLEN CHAMBER OF COMMERCE FOR ARTWORK TO BE CONSTRUCTED IN THE ROUNDABOUT AT MAIN AND AUBURN AVENUE.

Staff recommended the transfer of \$50,000 to the McAllen Chamber of Commerce for artwork to be constructed in the roundabout at Main and Auburn Avenue. Mr. Ahlenius illustrated the proposed artwork and the meaning of the piece based on the traditional concept of Faith, Hope and Charity.

Concerns were expressed about the Art Committee's perspective as well as the perspective of the nearby school and PTA. After a lengthy discussion, management staff recommended having a joint meeting with the Art Council to discuss the City's vision as it relates to the art.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

Mayor Cortez recessed the meeting at 3:15 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 4:00 pm and announced the action on items 4G and 4H. It was also noted that any action on the remaining Executive Session items would be taken during the Regular Meeting Agenda later in the evening.

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION RELATING TO TRI-WANIS VENTURES, LLC, FOR ADDITIONAL TIME AND FINANCIAL ASSISTANCE. (SECTION 551.087, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT BIG BOX. (SECTION 551.087, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR EMBASSY SUITES HOTEL. (SECTION 551.087, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT BLAZING SADDLES. (SECTION 551.087, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ASPECTS OF SOUTH FBO LEASE. (SECTION 555.071, T.G.C.)**
- G) CONSULTATION WITH CITY ATTORNEY REGARDING WORKERS COMP/LOSS RUN REPORT AS OF AUGUST 31, 2009. (SECTION 555.071, T.G.C.)**

Commissioner Barrera moved to authorize the Mayor or City Manager to execute the proposed amendment to the Police Department Collective Bargaining Agreement, to adopt updated service credits on the retirement system, to amend the retirement plan to allow for 20 year (any age) retirement and to amend the retiree health plan to require any employee retiring with less than 25 years of service to pay the full amount of the premium for Health Plan Benefits. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

- H) CONSULTATION WITH CITY ATTORNEY REGARDING CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT OF POLICE DEPARTMENT COLLECTIVE BARGAINING AGREEMENT, ADOPTING TMRS UPDATED SERVICE CREDIT, RETIREMENT AT 20 YEARS AND AMENDING HEALTH INSURANCE FUNDING FROM 20 YEARS TO 25 YEARS OF SERVICE. (SECTION 555.071, T.G.C.)**

Commissioner Barrera moved to authorize the Mayor or City Manager to execute the proposed amendment to the Fire Department Collective Bargaining Contract Agreement. Commissioner Crane seconded the motion. The motion carried unanimously.

- I) CONSULTATION WITH CITY ATTORNEY REGARDING CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT OF FIRE DEPARTMENT COLLECTIVE BARGAINING AGREEMENT. (SECTION 555.071, T.G.C.)**
- J) CONSULTATION WITH CITY ATTORNEY REGARDING LEASE AGREEMENTS AT DOWNTOWN FOOD COURT. (SECTION 555.071, T.G.C.)**
- K) DISCUSSION AND POSSIBLE ACTION RELATING TO POSSIBLE SITE TRADE FOR FULL SERVICE HOLIDAY INN & SUITES HOTEL. (SECTION 551.072, T.G.C.)**
- L) DISCUSSION AND POSSIBLE ACTION RELATING TO THE POSSIBLE SALE OF SAM HOUSTON SCHOOL PROPERTY. (SECTION 551.072, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:00 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Joint Workshop on **Monday, October 26, 2009** at 2:30 at McAllen City Hall, Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner John Ingram, Commissioner Jim Darling

Absent: Commissioner Marcus C. Barrera

McAllen Public Utility Board: Chairman Roger Garza, Vice Chairman Tony Aguirre, Trustee Charles Amos, Commissioner/Ex Officio Member Scott Crane

Absent: Trustee Trey Pebley

Staff: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, Assistant City Manager Wendy Smith, General Manager/Asst. City Manager Roy Rodriguez, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, McAllen Convention Center Director Omar Rodriguez,

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO OCTOBER 26, 2009 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were none.

Item 3 was addressed at this time.

2. DISCUSSION RELATING TO SIGN ORDINANCE AMENDMENTS:

Staff provided an overview of the proposed regulations and Draft Sign Ordinance making note of the Changeable Electronic Variable Message Signs (CEVMS) and multiple tenant signs. Subsequently, staff recommended adoption of an ordinance amendment providing for the two proposed regulations.

A discussion was held. After due consideration, staff was directed to look into the state requirements relating to LED/CEVMS signs.

JOINT MEETING WITH McALLEN PUBLIC UTILITY BOARD

Chairman Garza called the meeting to order on behalf of the MPU Board.

3. DISCUSSION RELATING TO CITY HALL EXPANSION.

Staff reviewed the goals relating to the City Hall Expansion: create a “one-stop” center, consolidate services, easy public access, plan for future growth up to 300 employees, and target 18,000 sq. ft. facility. Several options were presented and reviewed:

Option 1: Renovate TEC Building and Add Three Story Addition for total square footage of 17,370 at an estimated cost of \$2,000,000

Option 1A: Renovate existing building only for total square footage of 8,085 at an estimated cost of \$600,000

Option 1B: Renovate existing building only and add one floor for total square footage of 11,180 at an estimated cost of \$1,000,000

Option 2: New construction of a 2-story building for total square footage of 18,000 at an estimated cost of \$2,550,000

Option 3: Construct two floors above existing building for total square footage of 24,000 at an estimated cost \$5,100,000

Option 4: Add two floors above existing parking for total square footage of 18,000 at an estimated cost of \$3,000,000

Option 5: New construction of a 2-story building for total square footage of 18,000 at an estimated cost of \$3,000,000

Option 6: New construction of a 3-story building for total square footage of 27,000 at an estimated cost of \$4,000,000

Option 6A: New construction of a 3-story building and development of adjacent property for total square footage of 27,000 at an estimated cost of \$4,250,000 including demo

A lengthy discussion ensued relating to the options presented. The MPU Board expressed their preference towards Option 4. Mayor Cortez concurred with Option 4 to stay within the same facility and share resources.

Management staff reported that engineering services would be done for this project and would be brought back in the next six months. It was noted that the cost of this service would be approximately \$210,000 based on an estimated \$3 million construction cost.

END OF JOINT MEETING

There being no other business to come before the board, the joint meeting was adjourned at 3:37 p.m.

Item 2 was addressed at this time.

Item 4 was not addressed.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074 (PERSONNEL MATTERS).

A) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)

B) DISCUSSION AND POSSIBLE ACTION RELATING TO TRI-WANIS VENTURES, LLC, FOR ADDITIONAL TIME AND FINANCIAL ASSISTANCE. (SECTION 551.087, T.G.C.)

- C) **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT BIG BOX. (SECTION 551.087, T.G.C.)**
- D) **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR EMBASSY SUITES HOTEL. (SECTION 551.087, T.G.C.)**
- E) **DISCUSSION AND POSSIBLE ACTION RELATING TO A 380 INDUSTRIAL INCENTIVE CONTRACT FOR PROJECT STARS & STRIPES. (SECTION 551.087, T.G.C.)**
- F) **CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT; CAUSE NO. CL-09-2847-F; JENARO LUEVANO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- G) **CONSULTATION WITH CITY ATTORNEY REGARDING MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF SEPTEMBER 30, 2009. (SECTION 551.071, T.G.C.)**
- H) **CONSULTATION WITH CITY ATTORNEY REGARDING THE WORKERS COMP/LOSS RUN REPORT AS OF SEPTEMBER 30, 2009. (SECTION 551.071, T.G.C.)**
- I) **DISCUSSION AND POSSIBLE ACTION RELATING TO PURCHASE OF PROPERTY AT 121 N. 21ST STREET. (SECTION 551.072, T.G.C.)**
- J) **DISCUSSION AND POSSIBLE ACTION RELATING TO A CHAPTER 380 AGREEMENT FOR PROJECT BUCKEYE. (SECTION 551.087, T.G.C.)**
- K) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO POLICE AND FIRE COLLECTIVE BARGAINING ISSUES. (SECTION 551.071, T.G.C.)**
- L) **DISCUSSION AND POSSIBLE ACTION – EVALUATION OF CITY MANAGER. (SECTION 551.074, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 3:37 p.m.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, January 10, 2011** at 2:00 pm, at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Marcus C. Barrera, Commissioner Scott Crane, Commissioner Hilda Salinas, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, Deputy City Secretary Perla Zamora, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Jerry Dale, Director of Finance

Others: Omar Quintanilla, Community Development Chairman

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO JANUARY 10, 2011 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING

No concerns were expressed relating to the Regular Meeting agenda.

2. PRESENTATION OF AUDITORIUM NEEDS ASSESSMENT BY CONSULTANT.

Staff gave a brief presentation on the auditorium needs assessment. Staff reported on their firm's goals and objectives. Staff discussed the following topics.

- Preliminary study
- Seating capacity
- Size and cost of new facility

A discussion was held relating to the items outlined in the presentation. Staff answered questions posed by Mayor and City Commission.

3. DISCUSSION OF UNIFIED DEVELOPMENT CODE ISSUES.

Staff provided a summary of the City of McAllen Unified Development Code and highlighted on the following:

- Module 1 Article 1 - purpose, authority, jurisdiction and transitional provisions

- McAllen Zoning District - neighborhood conservation sub-districts, and neighborhood transition sub-districts
- Article 3 - neighborhood conservation, neighborhood transition and lot averaging
- Conditional Use Permits

Staff also touched on lot averaging and discussed the following topics:

- Narrow Lots – At least 25 percent of the lots for the housing types
- Average Lots – At least 50 percent of the lots for the housing types
- Wide Lots – The rest of the lots for the housing type may be wide

A lengthy discussion followed by the Mayor and City Commission. Concerns and suggestions were given. Mayor Cortez thanked Mr. Klinck for his presentation.

4. DISCUSSION RELATING TO FY 2011-2012 CDBG PROJECTS.

Community Development Council Chairman Omar Quintanilla briefly addressed the City Commission and asked for direction relating to the CDBG funding requests for social service agencies and construction projects. Discussion ensued and Mayor and City Commission expressed concerns and gave suggestions.

5. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

Mayor Cortez recessed the meeting at 3:38 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 4:00 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT BIG BOX. (SECTION 551.087, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GLOBAL. (SECTION 551.087, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION RELATING TO CONVENTION CENTER SITE. (SECTION 551.087, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACTUAL AND LEGAL ISSUES WITH HCWID #3. (SECTION 551.071, T.G.C.)**
- E) CONSULTATION WITH LEGAL COUNSEL REGARDING POLICE AND FIRE COLLECTIVE BARGAINING ISSUES. (SECTION 551.071, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT; CAUSE NO. CL-10-4013- E, MINERVA E. HINOJOSA, ET**

AL VS. JUDITH REYES AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)

- G) CONSULTATION WITH CITY AT TORNEY RELATING TO LITIGATION – IDELMA ANA SAENZ ET AL VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL EFFECT OF ARTICLE 8 OF EXPIRED COLLECTIVE BARGAINING AGREEMENT. (SECTION 551.071, T.G.C.)**
- I) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO RE-DEVELOPMENT OF BOEYE RESERVOIR. (SECTION 551.071, T.G.C.)**
- J) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE LEASE AGREEMENT FOR BUILDING LOCATED AT 709 SOUTH BROADWAY. (SECTION 551.071, T.G.C.)**
- K) DISCUSSION WITH CITY ATTORNEY RELATING TO YEARLY LITIGATION AUDIT REPORT. (SECTION 551.071, T.G.C.)**
- L) DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBLE SALE OF PROPERTY LOCATED BY UVALDE & BICENTENNIAL. (SECTION 551.072, T.G.C.)**
- M) DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBLE PURCHASE OF PROPERTY NORTH AND WEST OF CONVENTION CENTER SITE. (SECTION 551.072, T.G.C.)**
- N) DISCUSSION AND POSSIBLE ACTION ON POSSIBLE PURCHASE OF OFFICE BUILDING AND PROPERTY AT 801-803 NORTH MAIN. (SECTION 551.072, T.G.C.)**
- O) DISCUSSION AND POSSIBLE ACTION - SEEK CITY AT TORNEY'S OPINION RELATING GSA LEASE AT HIDALGO PORT. (SECTION 551.071, T.G.C.)**
- P) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO REGIONAL FUNDING. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:00 pm.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Workshop on **Monday, July 25, 2011** at 2:30 pm, at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez, Mayor Pro Tem Marcus C. Barrera, Commissioner Scott Crane, Commissioner Hilda Salinas, Commissioner Aida Ramirez Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, Deputy City Secretary Perla Zamora, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Finance, Jerry Dale

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO JULY 25, 2011 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING

No concerns were expressed relating to the Regular Meeting agenda.

2. DISCUSSION OF PROPOSED FEES FOR VARIOUS DEPARTMENTS.

Staff gave a brief recap of the detailed recommendations from the various departments as follows:

- Increases to Brush and Recycling fees each at a rate of \$.50. The increase would generate \$216,000 towards the purchase of compostable bags to be distributed to the public
- Increase rental rates for facilities at the new Main Library with revenue projections of \$35,000 to \$70,000 annually
- Rental fee increases to the Quinta Mazatlan, Las Palmas Community Center and Fireman's Park
- Rate increases for the swimming pool admission and MYSA, MASA and Boy's & Girls Club league assessments
- Amending the reinspection fee for failed building inspections from \$40.00 to \$50.00
- New fees to be generated as a result of the Unified Development Code
- Fees for inspections performed by the Fire Marshal's Office with revenue estimate at \$171,925.00

A question and answer session was held. Staff answered questions posed by the Mayor and City Commission. After due consideration, staff was advised that the proposed fees would be brought back for approval at the next regular City Commission Meeting of August 8th. Mayor Cortez thanked staff for their presentations.

3. DISCUSSION OF REDISTRICTING

Staff briefly reviewed the map samples for the City Commissioner Districts for 2010 depicting the boundary lines on major roadways.

A Question and Answer Session was held. Concerns were expressed about Districts 1 and 2 as it relates to high growth. Mayor Cortez thanked staff for their presentation.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

Mayor Cortez recessed the meeting at 3:47 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 4:00 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

- A) CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACTUAL AND LEGAL ISSUES WITH HCWID #3. (SECTION 551.071, T.G.C.)**
- B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO RE-DEVELOPMENT OF BOEYE RESERVOIR. (SECTION 551.071, T.G.C.)**
- C) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS COMP/LOSS RUN REPORT AS OF JUNE 30, 2011. (SECTION 551.071, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY RELATING TO MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF JUNE 30, 2011. (SECTION 551.071, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION REGARDING PROJECT MARKET GARDEN. (SECTION 551.087, T.G.C.)**
- F) DISCUSSION AND POSSIBLE ACTION REGARDING A 380 ECONOMIC INCENTIVE AGREEMENT FOR WEST ITHACA HOTEL PROJECT. (SECTION 551.087, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION REGARDING PROJECT RED ROVER. (SECTION 551.072, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION ON PURCHASE OF PROPERTY LOCATED AT #8 OLD ORCHARD ROAD ADJACENT TO QUINTA MAZATLAN. (SECTION 551.072, T.G.C.)**
- I) CONSULTATION WITH CITY ATTORNEY REGARDING SUBROGATION AGREEMENT RELATED TO MCALLEN AIRPORT HANGAR LEASE. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:00 pm.

Memo

To: Brent Branham, Acting City Manager
From: Jeanie Backor, Land Acquisition Deputy Director
Date: **November 18, 2013**
Re: Project No. 10-13-S01-10
SOQ- Appraisal Services

GOAL: Request authorization to execute a Service Contract, for a period of one (1) year commencing on date of award and ending one (1) year thereafter), with the following appraisal firms:

1. HLH Appraisal Services
2. Professional Appraisal Services, Inc.
3. Alliance Realty Advisors
4. A. Palacios Management Consultants

If awarded, the City shall have the option to extend for a period of three (3) years, in one-year increments, with City Manager approval, if the performance is satisfactory.

EXPLANATION: Statement of qualifications were solicited and received on October 10, 2013. A total of 18 companies were invited. This project was also posted on the City's website and four (4) companies responded to our solicitation efforts. Please note that three (3) of the four (4) respondents are the same companies that have been on contract and have been providing services during FY 2012-2013 (HLH Appraisal Services, Professional Appraisal Services, Inc. and Alliance Realty Advisors).

HISTORY:

The City spent approximately \$79,350.00 on appraisal services last year. We are unable to anticipate the spending during the initial contract year because of the unforeseen nature of upcoming projects and the cost of the appraisal is determined on size of acquisition and whether it is improved or unimproved property.

OPTIONS:

1. Approve award of Service Contracts with the aforementioned firms.
2. Reject all Statements of Qualification (SOQ's) received and direct staff to re-solicit SOQ's.

RECOMMENDATIONS: We are looking for guidance from the City Commission. The City will select the appraisers meeting the city's qualifications and place them on an approved list and select appraisers from such list for the number of projects or parcels as deemed in the best interest of the City.

Memo

TO: Jeanie Backor, Deputy Director Land Acquisitions
FROM: Sandra Zamora, CPM, Director of Purchasing & Contracting
DATE: October 15, 2013
SUBJECT: Project No. 10-13-S01-10
SOQ – For Appraisal Services for City of McAllen



Attached please find copies of the Statements of Qualifications submitted on the above referenced project and the list of respondents to this SOQ. Purchasing & Contracting has retained a set of each SOQ to make part of our project file. Please visit our bidding portal at <https://www.ebidexchange.com/mcallen> to review electronic submittals of the SOQ responses and send, in written form, your recommendation as soon as possible.

Be advised that any recommendations for City Commission/Public Utility Board must be submitted to the Purchasing and Contracting Department by Thursday or Friday, prior to the deadline of agenda item.

If additional information is needed, please advise.

SZ/mm

Attachments



CITY OF
McALLEN

DEADLINE: OCTOBER 10, 2013 AT 3:00 P.M.
LIST OF RESPONDENTS

PROJECT #10-13-S01-10 SOQ FOR APPRAISAL SERVICES FOR CITY OF McALLEN

COMPANY	CITY/STATE
A. PALACIOS MANAGEMENT CONSULTANTS	McALLEN, TX
ALLIANCE REALTY ADVISORS	CONROE, TX
HLH APPRAISAL SERVICES	HOUSTON, TX
PROFESSIONAL APPRAISAL SERVICES, INC.	McALLEN, TX



To: Mike R. Perez, City Manager
From: Belinda Mercado, Information Technology Director
Thru: Roel Rodriguez, Assistant City Manager
Date: November 18, 2013
Subject: Software Maintenance for City Software Products

GOAL:

To provide support for the maintenance of software packages used by City Departments

BRIEF EXPLANATION:

Included for approval is annual maintenance for Incode, Municipal Court Software by Tyler Technologies and Geographical Information Systems (GIS) by ESRI, Inc.

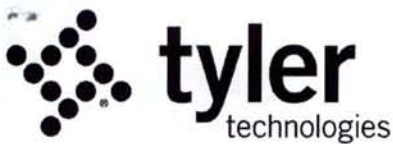
	Incode (Municipal Court)		ESRI (GIS)	
	Amount	% change	Amount	% change
FY 05/06				
FY 06/07	\$20,498			
FY 07/08	\$21,318	4%		
FY 08/09	\$23,015	8%		
FY 09/10	\$25,366	10%		
FY 10/11	\$27,211	7%	\$36,793	
FY 11/12	\$28,987	7%	\$26,957	-27%
FY 12/13	\$34,302	18%	\$28,298	5%
FY 13/14	\$36,017	5%	\$25,300	-11%

OPTIONS:

The following are the options to consider:

- Approve annual software maintenance for Incode (Tyler Technologies) at \$36,017.45 and our ESRI GIS software at \$25,300
- Discontinue maintenance for fiscal year 13/14. This would end support and updates that are critical to city operations. Additional fees will be accessed when re-establishing support services.

RECOMMENDATION: Staff recommends approval of the annual software maintenance for Incode (Tyler Technologies) and GIS Software (ESRI).



Remittance:
 Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

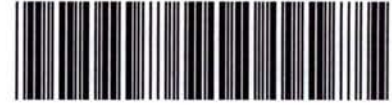
Invoice

Invoice No	Date	Page
025-76390	09/01/2013	1 of 2

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Questions:

Tyler Technologies - Local Government
 Phone: 1-800-772-2260 Press 2, then 2
 Fax: 1-866-673-3274
 Email: ar@tylertech.com



Bill To: City of McAllen, TX
 Attn: Accounts Payable
 Box 220
 McAllen, TX 78505-0220

Ship To: City of McAllen, TX
 Attn: Accounts Payable
 Box 220
 McAllen, TX 78505-0220

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
43820	31507		USD	NET30	10/01/2013

Date	Description	Units	Rate	Extended Price
Contract No.: McAllen, TX, City of				
	Central Cash Collection	1	2,275.56	2,275.56
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Court Case Management	1	21,489.93	21,489.93
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Secure Signatures	1	255.78	255.78
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Accu ODBC	1	183.02	183.02
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Additional Designer	1	121.29	121.29
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Court Handheld Interface	1	631.73	631.73
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Citation Issuing Device Interface	1	606.38	606.38
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	H TE Interface	1	1,102.50	1,102.50
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Tyler Content Manager - Maintenance	1	4,725.00	4,725.00
	Maintenance Start: 01/Oct/2013, End: 30/Sep/2014			
	Tyler Output Processor Server - Maintenance	1	1,155.00	1,155.00
	Maintenance Start: 01/Oct/2013, End: 30/Sep/2014			
	AcuCorp Accu4GL	1	826.88	826.88
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	AcuCorp AcuServer	1	506.05	506.05
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Report Writer	1	1,187.97	1,187.97
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Basic Network Support Services	1	729.86	729.86
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			
	Collection Agency Export Interface	1	220.50	220.50
	Maintenance: Start: 01/Oct/2013, End: 30/Sep/2014			

RECEIVED

AUG 26 2013

CITY OF McALLEN
FINANCE



tyler
technologies

Remittance:
Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
025-76390	09/01/2013	2 of 2

Empowering people who serve the public®

Questions:

Tyler Technologies - Local Government
Phone: 1-800-772-2260 Press 2, then 2
Fax: 1-866-673-3274
Email: ar@tylertech.com

Bill To: City of McAllen, TX
Attn: Accounts Payable
Box 220
McAllen, TX 78505-0220

Ship To: City of McAllen, TX
Attn: Accounts Payable
Box 220
McAllen, TX 78505-0220

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
43820	31507		USD	NET30	10/01/2013

Date	Description	Units	Rate	Extended Price
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****ATTENTION****

Order your checks and forms from
Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
100% compliance with your software.

Subtotal	36,017.45
Sales Tax	0.00
Invoice Total	36,017.45



esri[®]

Esri Inc
380 New York Street
Redlands CA 92373

SUBJECT: MAINTENANCE QUOTE

DATE: 10/18/2013
TO: Donald Chute
ORGANIZATION: City of McAllen
IT Dept
FAX #: **PHONE #:** (956) 681-1116
FROM: Barbara Walker
FAX #: 909-307-3083 **PHONE #:** 909-793-2853 Ext. 3936
EMAIL: bwalker@esri.com

Number of pages transmitted
(including this cover sheet): 4

QUOTATION #25584402
DOCUMENT DATE: 09/15/2013

Please find the attached quotation for your forthcoming software maintenance term. Keeping your maintenance current entitles you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date. For details regarding the maintenance program benefits for your licensing, please visit <http://www.esri.com/maintenancebenefits>.

Customers who have multiple copies of some Esri products may have the option of supporting some of their licenses with secondary maintenance. Please contact Customer Service to find out more about the availability of secondary maintenance.

For information about Esri Desktop, Developer software, or Web services terms of use, as well as purchase order terms and conditions, please visit <http://www.esri.com/legal/licensing/software-license.html>.

Do you need training? You can get affordable Esri software training for your entire organization with a subscription to Esri Virtual Campus. To find out how, visit the campus: <http://training.esri.com/gateway/index.cfm>

For details about ECP discounts and waivers for non-profit users please visit <http://www.conservationgis.org/grant>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575 Option 5.



esri®

380 New York Street
Redlands, CA 92373
Phone: 909-793-28533936
Fax #: 909-307-3083

Quotation

Date: 09/15/2013

Quotation Number: 25584402

Send Purchase Orders To:

Esri, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Barbara Walker

Please include the following remittance address on your Purchase Order:

Esri, Inc.
File #54630
Los Angeles, CA 90074-4630

City of McAllen
IT Dept
P.O. Box 220
McAllen TX 78505-0220
Attn: Donald Chute

Customer Number: 369472

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
10	1	52384 ArcGIS for Desktop Advanced (formerly ArcInfo) Concurrent Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	3,000.00	3,000.00
1010	1	86497 ArcGIS for Desktop Standard (formerly ArcEditor) Concurrent Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	1,500.00	1,500.00
2010	3	86500 ArcGIS for Desktop Standard (formerly ArcEditor) Concurrent Use Secondary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	1,200.00	3,600.00
3010	1	86500 ArcGIS for Desktop Standard (formerly ArcEditor) Concurrent Use Secondary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	1,200.00	1,200.00
4010	1	87232	500.00	500.00

This quotation is valid for 90 days and is subject to your Esri License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a third party vendor management, procurement, or invoice program.

Issued By: Barbara Walker **Ext:** 3936

[WALKERB]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



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Quotation

Page 2

Date: 09/15/2013

Quotation Number: 25584402

Item	Qty	Material#	Unit Price	Extended Price
		ArcGIS Spatial Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014		
5010	1	98696 ArcGIS Publisher for Desktop Concurrent Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	500.00	500.00
6010	1	93094 ArcGIS for Desktop Basic (formerly ArcView) with Extensions Single Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	1,000.00	1,000.00
7010	8	87193 ArcGIS for Desktop Basic (formerly ArcView) Single Use Secondary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	300.00	2,400.00
8010	1	93303 ArcGIS for Desktop Standard (formerly ArcEditor) Single Use Primary Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	1,500.00	1,500.00
9010	1	97444 ArcGIS Engine without Extension Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	100.00	100.00
10010	1	109215 ArcGIS for Server Enterprise Advanced Up to Four Cores Maintenance Start Date: 10/01/2013 End Date: 09/30/2014	10,000.00	10,000.00

Subtotal	25,300.00
Estimated Tax	0.00
Total	\$ 25,300.00

DUNS/CEC: 06-313-4175 CAGE: 0AMS3



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Quotation

Page 3

Date: 09/15/2013

Quotation No: 25584402

Customer No: 369472

Item	Qty	Material#	Unit Price	Extended Price
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IF YOU WOULD LIKE TO RECEIVE AN INVOICE FOR THIS MAINTENANCE QUOTE YOU MAY DO ONE OF THE FOLLOWING:

- RESPOND TO THIS EMAIL WITH YOUR AUTHORIZATION TO INVOICE
- SIGN BELOW AND FAX TO 909-307-3083
- FAX YOUR PURCHASE ORDER TO 909-307-3083

REQUESTS VIA EMAIL OR SIGNED QUOTE INDICATE THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION AND THAT YOUR ORGANIZATION DOES NOT REQUIRE A PURCHASE ORDER.

If there are any changes required to your quotation, please respond to this email and indicate any changes in your invoice authorization.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

This transaction is governed exclusively by the terms of the above-referenced contract, if any, or Esri's standard terms and conditions at www.esri.com/legal.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

By signing below, you are authorizing Esri to issue a software support invoice in the amount of \$_____ plus sales tax, if applicable.

Please check one of the following:

_____ I agree to pay any applicable sales tax.

_____ I am tax exempt. Please contact me if Esri does not have my current exempt information on file.

Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

Signature of Authorized Representative

Date

Name (Please Print)

Title



ESRI QUOTATION TERMS AND CONDITIONS

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

All quotations are valid for ninety (90) days unless otherwise stated on the quotation form. These prices and terms are valid only for items purchased for use and delivery within the United States.

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To expedite your order, please reference the quotation number on your purchase order.

ORDER PROCESS

The order process is initiated when Esri receives an original purchase order or some form of advance payment. Several additional documents (e.g., Master License Agreement, credit application, Tax Exemption Certificate) may be required to complete the order process. Generally, the need for these documents varies by the type of software, data, web-enabled services, subscriptions, professional services or other products ordered, which is determined upon receipt of the purchase order (or advance payment). If delivery must be expedited, please contact your marketing representative for assistance.

IMPORTANT! Collectively, these documents contain the authorizations and information necessary to ship proper versions of the software or data on the correct media, or to initiate web-enabled services, subscriptions, or professional services. Please return them promptly to avoid unnecessary delays in shipping or delivery. Please return all documents to Esri Customer Service, or as otherwise directed.

Please show the following remittance address on your purchase order:

Esri, File No. 54630, Los Angeles, CA 90074-4630

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All Esri software, data, web-enabled services, and subscriptions offered in this quotation are commercial off-the-shelf items developed at private expense and subject to Esri commercial license terms. You may have a signed license agreement on file that covers this order. If so, please reference the license agreement number on your purchase order. Unless a signed license is on file with Esri, Esri software, data, web-enabled services and subscriptions are subject to the Esri License Agreement included with the deliverable item as an on-line or click-through agreement. A copy is enclosed. Certain software or data requires a Master License Agreement signed by both parties. Professional services agreements may also include license terms.

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MAINTENANCE

After expiration of any complimentary period of maintenance that may apply to the licensed software, Esri will quote maintenance payable annually in advance. A reinstatement fee applies when maintenance has lapsed.

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DELIVERY

FOB Redlands, CA, USA

Software: Allow thirty (30) days from Esri's receipt of purchase order, signed Software License Agreement(s), and other documents, as required.

Hardware: Manufacturer's terms apply. Lead times depend on make/models purchased.

Note: Standard delivery method is ground or two (2)-day air for software and surface carrier for hardware. Actual delivery method may vary depending on weight. Other service is available for an additional fee (e.g., overnight delivery).

PAYMENT TERMS

Net thirty (30) days, on approved credit. Orders less than eight hundred dollars (\$800) require prepayment by check or credit card unless your organization is a government agency, university, college, or Fortune 500 company.

TAXES

This quote includes applicable sales or use taxes for the prices quoted as required by law. The tax amount may change depending on the time lapse between this quote and your order to us. Esri will include applicable sales or use taxes on your invoice unless you provide proof with your order that your organization or use of the product is tax exempt.

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$550,000.00 FOR FUNDING OF ADDITIONS AND RENOVATIONS OF THE PUBLIC SAFETY BUILDING DUE TO HAIL STORM.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. **Publication of ordinances.**

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of November, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

2E

CITY COMMISSION X
UTILITY BOARD _____
BRIDGE BOARD _____

AGENDA ITEM _____
DATE SUBMITTED 11/18/13
MEETING DATE 11/25/13

1. Agenda Item: CONSIDERATION AND APPROVAL OF RESOLUTION FOR THE ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR WARE ROAD FROM 3 MILE TO 5 MILE

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

Consideration and approval of the Resolution regarding the Advanced Funding Agreement with the Texas Department of Transportation for Ware Road from 3 Mile to 5 Mile.

4. Policy Implication: _____

5. Budgeted: X Yes No N/A

Funding Source: N/A

6. Alternate Option/Costs _____

7. Routing:

NAME/TITLE INITIAL DATE CONCURRENCE

a.) Yvette Barrera, P.E.,CFM, City Engineer YB 11/18/13 yes

b.) Roel "Roy" Rodriguez, P.E.Asst. City Mgr RR


8. Staff Recommendation: Approve Resolution for the Advanced Funding Agreement with the Texas Department of Transportation for Ware Road from 3 Mile to 5 Mile.

9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: Approved Disapproved None

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer 

Date: November 18, 2013

Subject: **Consideration and Approval of Resolution for Advanced Funding Agreement – Ware Road from 3 Mile to 5 Mile**

GOAL

Consideration and approval of the Resolution for Advanced Funding Agreement (AFA) regarding Ware Road from 3 Mile to 5 Mile.

EXPLANATION

An AFA was originally submitted and approved by City Commission on July 22, 2013. However, the resolution approving the Advance Funding Agreement was not attached in the documentation. It is now being submitted for your approval. All terms of the Advance Funding Agreement remain unchanged and a copy is attached for reference.

The total project is estimated at \$12 million with funding of the project assembled through Federal Highway Administration (FHWA), TxDOT, Hidalgo County Metropolitan Planning Organization, City and County. Letting is anticipated for January 2016.

OPTIONS

Approve or disapprove Resolution regarding the Advanced Funding Agreement for Ware Road from 3 Mile to 5 Mile.

RECOMMENDATION

Staff recommends approval of the Resolution regarding the Advanced Funding Agreement with the Texas Department of Transportation for the Ware Road Project from 3 Mile to 5 Mile.

RESOLUTION NO. 2013-_____

RESOLUTION APPROVING THE ADVANCED FUNDING AGREEMENT FOR A SURFACE TRANSPORTATION PROGRAM METROPOLITAN MOBILITY AND REHABILITATION PROJECT ON-SYSTEM – WIDENING OF FM 2220 (WARE RD) FROM MILE 5 TO FM 1924 (MILE 3) - BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF McALLEN

STATE OF TEXAS §
COUNTY OF HIDALGO §
CITY OF McALLEN §

WHEREAS, the City of McAllen will contribute a fixed payment of \$1,000,000 prior to construction of the transportation improvement project; and

WHEREAS, the City of McAllen must enter into an Advance Funding Agreement, a copy of which is attached as Exhibit “A”, in order for the contribution to be included with Federal and State funding to establish the project budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, THAT:

1. The City of McAllen hereby agrees to enter into the Advance Funding Agreement according to the terms and conditions described therein.

READ, CONSIDERED, PASSED, APPROVED and **SIGNED** this _____, day of November 25, 2013 at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with the provisions of Chapter 551, Texas Government Code.

CITY OF McALLEN

By: _____
James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

APPROVED AS TO FORM:

Kevin D. Pagan, City Attorney

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For A
Surface Transportation Program -
Metropolitan Mobility and
Rehabilitation Project
On-System**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the City of McAllen, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 113250, authorizing the State to undertake and complete a highway improvement generally described as the widening of FM 2220 from Mile 5 to FM 1924, called the "Project"; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment "A" for the improvement covered by this agreement. A map showing the Project location appears in Attachment "B," which is attached to and made a part of this agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this agreement, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Scope of Work

Widen FM 2220 to a 6 lane from Mile 5 Road to FM 1924 as shown on Attachment "B".

3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in the Project Budget – Attachment "C", which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Governments, or other parties is shown in Attachment "C". The State will pay for only those project costs that have been approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. This Project cost estimate shows how necessary resources for completing the Project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the Federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-state participation costs associated with the Project, including any overruns in excess of the approved local

project budget unless otherwise provided for in this agreement or approved otherwise in an amendment to this agreement.

- F. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- G. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- H. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to the State Project.
- I. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal government will be promptly paid by the owing party. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- J. The State will not pay interest on any funds provided by the Local Government.
- K. If a waiver has been granted, the State will not charge the Local Government for the indirect costs the State incurs on the local Project, unless this agreement is terminated at the request of the Local Government prior to completion of the Project.
- L. If the Project has been approved for a "fixed price" or an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the amount of the fixed price or the incremental payment schedule.
- M. If the Local government is an Economically Disadvantaged County and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- N. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- O. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.

- P. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- Q. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this agreement.

4. Termination of this Agreement

This agreement shall remain in effect until the project is completed and accepted by all parties, unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

6. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

7. Utilities – Not Applicable

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

8. Environmental Assessment and Mitigation – Not Applicable

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement.
- B. The Local Government is responsible for the cost of any environmental problem's mitigation and remediation.
- C. The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held prior to the approval of project schematic.
- D. The Local Government is responsible for the preparation of the NEPA documents required for the environmental clearance of this Project.
- E. Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. Compliance with Texas Accessibility Standards and ADA

All parties to this agreement shall ensure that the plans for and the construction of all projects subject to this agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. Architectural and Engineering Services

The State has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

11. Construction Responsibilities

- A. The State shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction

contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.

- B. The State will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the Local Government will be given the opportunity to review contract change orders that will result in an increase in cost to the Local Government.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

12. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway system after completion of the work if the work was on the state highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

13. Right of Way and Real Property – Not Applicable

The State is responsible for the provision and acquisition of any needed right of way or real property.

14. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
Mayor	Director of Contract Services Office
City of McAllen	Texas Department of Transportation
PO Box 220	125 E. 11 th Street
McAllen, Texas 78505	Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

15. Legal Construction

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability

shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

18. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to this agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local

Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. Civil Rights Compliance

The Local Government shall comply with the regulations of the United States Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

24. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

25. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

26. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

27. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State

right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

28. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR website whose address is: <https://www.sam.gov/portal/public/SAM/>;
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

29. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures of \$500,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>.
- C. If expenditures are less than \$500,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$500,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

CSJ # 2094-01-038
District # 21 – Pharr
Code Chart 64# 25950
Project: FM 2220 from Mile 5 Rd to FM 1924
Federal Highway Administration
CFDA # 20.205
Not Research and Development

30. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT



Signature

Mike R. Peace

Typed or Printed Name

City Manager

Title

9/17/13

Date

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

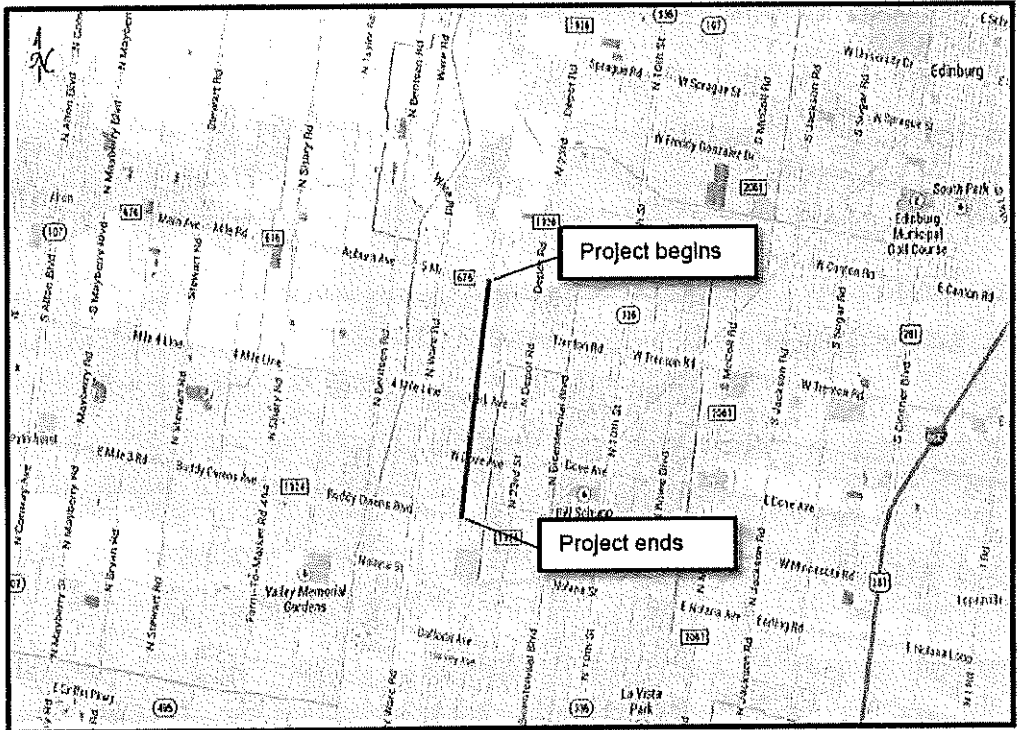
Date

CSJ # 2094-01-038
District # 21 – Pharr
Code Chart 64
Project: FM 2220 from Mile 5 Rd to FM 1924
Federal Highway Administration
CFDA # 20.205
Not Research and Development

**ATTACHMENT A
RESOLUTION OR ORDINANCE**

CSJ # 2094-01-038
District # 21 – Pharr
Code Chart 64
Project: FM 2220 from Mile 5 Rd to FM 1924
Federal Highway Administration
CFDA # 20.205
Not Research and Development

ATTACHMENT B LOCATION MAP SHOWING PROJECT



CSJ # 2094-01-038
 District # 21 – Pharr
 Code Chart 64
 Project: FM 2220 from Mile 5 Rd to FM 1924
 Federal Highway Administration
 CFDA # 20,205
 Not Research and Development

**ATTACHMENT C
 PROJECT BUDGET**

The Local Government will pay \$1,000,000 towards the construction of FM 2220 from Mile 5 Road to FM 1924.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Preliminary Engineering (by State)	\$ 159,597	80%	\$ 127,678	20%	\$ 31,919	0%	\$ 0
Construction (by State)	\$ 8,973,750	80%	\$ 7,179,000	20%	\$ 1,794,750	0%	\$ 0
Construction Contribution (by Local)	\$ 1,000,000	0%	\$ 0	0%	\$ 0	100%	\$1,000,000
Subtotal	\$ 10,133,347		\$7,306,678		\$1,826,669		\$1,000,000
Preliminary Engineering Direct State Costs	\$ 59,659	0%	\$ 0	100%	\$ 59,659	0%	\$ 0
Construction Direct State Costs	\$ 698,162	0%	\$ 0	100%	\$ 698,162	0%	\$ 0
Indirect State Costs (7.27%)	\$ 725,092	0%	\$ 0	100%	\$ 725,092	0%	\$ 0
Subtotal	\$ 1,482,913		\$ 0		\$1,482,913		\$ 0
TOTAL	\$ 11,616,260		\$7,306,678		\$3,309,582		\$1,000,000

Fixed payment by the Local Government to the State before construction: \$1,000,000

Yesenia Rodriguez

From: Annette Villarreal
Sent: Tuesday, November 19, 2013 4:24 PM
To: Yesenia Rodriguez
Subject: FW: City of McAllen, Texas - Reimbursement Resolution
Attachments: Reimburse-Reso-11-14-13.pdf

From: Noel Valdez [mailto:nvaldez@mphlegal.com]
Sent: Thursday, November 14, 2013 7:19 AM
To: Mike R. Perez; Jerry W. Dale; Annette Villarreal; Kevin D. Pagan; Brent Branham
Cc: anne.burgerentrekin@firstsw.com; Nicholas Gonzalez; Sylvia Ibarra
Subject: City of McAllen, Texas - Reimbursement Resolution

All,

Good morning. Per Mr. Dale's request, please find attached a reimbursement resolution to be considered by the City Commission at their November 25th regular meeting. We would appreciate that the City utilize the following agenda caption for this item:

DISCUSS AND APPROVE A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS FROM OBLIGATIONS TO BE ISSUED BY THE CITY OF McALLEN AND OTHER MATTERS RELATED THERETO

As always, please call us with any questions.

Best regards,

Noel Valdez

McCall, Parkhurst & Horton L.L.P.
700 N. St. Mary's, Suite 1525
San Antonio, Texas 78205
Telephone: 210-225-2800
Telecopy: 210-225-2984
nvaldez@mphlegal.com

Disclosure Under IRS Circular 230: McCall, Parkhurst & Horton L.L.P. informs you that any tax advice contained in this communication, including any attachments, was not intended or written to be used, and cannot be used, for the purpose of avoiding federal tax related penalties or promoting, marketing or recommending to another party any transaction or matter addressed herein.

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RESOLUTION NO. R: 2013-___

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS FROM OBLIGATIONS TO BE ISSUED BY THE CITY OF McALLEN AND OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS §
COUNTY OF HIDALGO §
CITY OF McALLEN §

WHEREAS, the City Commission of the **CITY OF McALLEN, TEXAS** (the "City") hereby determines that it is necessary and desirable to (1) construct street, sidewalk and related drainage improvements in the City, which may include, but is not limited to, improvements on the following streets: (i) Bicentennial Boulevard from Trenton Road to State Highway 107; (ii) Dove Avenue from 41st Street to Bentsen Road; (iii) Erie Avenue from Ware Road to Bentsen Road; (iv) Oakland Avenue from "K" Street to Jackson Road; (v) Wisconsin Road from 2nd Street to the drainage ditch; (vi) Auburn Avenue from 10th Street to Main Street; and (vii) 29th Street from Oxford Avenue to State Highway 107; (2) construct and equip a new Performing Arts Center at the City's Convention Center; (3) acquire land for parks and recreation purposes and construct and equip improvements to the City parks and other recreation facilities, including but not limited to a sports complex, ball fields and other recreational facilities located at the Municipal Park (on North Bicentennial Road) and near the intersection of 29th Street and Mile 5 Road; and (4) pay fiscal, design and engineering fees in connection with such projects (collectively, the "Projects"); and

WHEREAS, the City expects that it will pay expenditures in connection with the Projects prior to the issuance of obligations to finance the Projects; and

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Projects;

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS THAT:

SECTION 1. EXPECTATION TO INCUR DEBT. The City reasonably expects to incur debt, as one or more series of obligations, with an aggregate maximum principal amount currently estimated not to exceed \$45,000,000, the proceeds of which are expected to be used for the purpose of paying the costs of the Projects.

SECTION 2. REIMBURSEMENT OF PRIOR EXPENDITURES. All costs to be reimbursed pursuant hereto will be capital expenditures within the meaning of Section 1.150-2 of the Treasury Regulations. No tax-exempt obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

SECTION 3. THREE-YEAR LIMITATION FOR REIMBURSEMENT. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

SECTION 4. PUBLIC RECORD. The City Commission directs that this Resolution shall be maintained as a public record available for inspection by all persons in accordance with the provisions of Chapter 552, Texas Government Code, and that no later than 30 days after this date, this Resolution will be made available for inspection by all members of the general public at the offices of the City.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS AT A REGULAR MEETING ON THE 25th DAY OF NOVEMBER, 2013, AT WHICH MEETING A QUORUM WAS PRESENT.

Jim Darling, Mayor
City of McAllen, Texas

ATTEST:

Annette Villarreal, City Secretary
City of McAllen, Texas

CITY SEAL

APPROVED AS TO LEGALITY

Kevin D. Pagan, City Attorney
City of McAllen, Texas

** ** * * *



CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM

To: Brent Branham, Acting City Manager
From: Carla M. Rodriguez, Director of Grant Administration
Date: November 19, 2013
Subject: Fiscal Year 2013 Assistance to Firefighters Grant Program

GOAL:

Authorizing the submission of a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, for funding under the Fiscal Year 2013 Assistance to Firefighters Grant Program.

BRIEF EXPLANATION OF THE ITEM:

The Assistance to Firefighters Grant Program enhances the health and safety of the public and firefighting personnel and provides a continuum of support for emergency responders regarding fire, medical and all hazard events. The City is eligible to apply for and receive an Assistance to Firefighters Grant that will provide funding for the following items to support community resilience: physical training equipment for all seven fire stations; rescue tools to adequately equip the McAllen Fire Department's available fleet; equipment tools to adequately equip the McAllen Fire Department's available fleet; self-contained breathing apparatuses (SCBAs); a SCBA air compressor/fill station for Fire Station 5; and an emergency generator for Fire Station 5. The federal request is \$646,400 (80%) with a local match of \$161,600 (20%), for a total project cost of \$808,000.

OPTIONS:

Option 1 – Approving the submission of the grant application will allow the City to fund the acquisition of equipment to establish and maintain a unified and coordinated operational structure to support community resilience.

Option 2 – Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to support community resilience.

RECOMMENDATION:

Staff recommends submission of the grant application.

RESOLUTION NO. 2013-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR FUNDING UNDER THE FISCAL YEAR 2013 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

WHEREAS, the Assistance to Firefighters Grant Program has been established under the U.S. Department of Homeland Security, Federal Emergency Management Agency;

WHEREAS, the Assistance to Firefighters Grant Program enhances the health and safety of the public and firefighting personnel and provides a continuum of support for emergency responders regarding fire, medical and all hazard events; and

WHEREAS, the McAllen Fire Department is seeking funds to acquire critically-needed resources to protect citizens, residents and visitors, and to support community resilience.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

- 1) The City of McAllen, Grant Administration Office is hereby authorized to submit a grant application to the U.S. Department of Homeland Security, Federal Emergency Management Agency, for funding under the Assistance to Firefighters Grant Program in the amount of \$646,400 (20%) with a required local match of \$161,600 (20%), a total project cost of \$808,000.
- 2) Upon approval of this application, the Mayor is authorized to execute all legal documents, contracts and agreements, and to perform any and all acts necessary to implement this program.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the U.S. Department of Homeland Security in full.

CONSIDERED, PASSED, APPROVED AND SIGNED this 25th day of November 2013 at a regular meeting of the Board of Commissioners of the City of McAllen Texas, at which a quorum was present and which was held in accordance with Chapter 551, Texas Government Code.

Attest

City of McAllen

Annette Villarreal, City Secretary

James Darling, Mayor

Approved as to form:

Kevin Pagan, City Attorney

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 2H
11/19/13
11/25/13

1. Agenda Item: **RESOLUTION:** Authorizing the submission of a grant application to the Firehouse Subs Public Safety Foundation for funding under the Fiscal Year 2014 Grant Program.
2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration
3. Nature of Request: (Brief Overview) Attachments: Yes X No

The Firehouse Subs Public Safety Grant Program provides funding to enhance the life-saving capabilities of public safety entities. The City is eligible to apply for and receive a grant that will provide funding for the purchase of a thermal imaging camera to be used by the McAllen Fire Department firefighters to help identify victims, pinpoint fires and recognize structural dangers before they cause injuries and deaths. The amount of funds requested is \$13,000 with no local match required.

4. Policy Implication: None
5. Budgeted: Yes No X N/A
6. Alternate Option/Costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Rafael Balderas, Fire Chief	<u> RB </u>	<u> 11/19/13 </u>	<u> YES </u>

8. Staff Recommendation: Motion to approve submission of application.
9. Advisory Board: Approved Disapproved None
10. City Attorney: KP Approved Disapproved None
11. City Manager: ABB Approved Disapproved None



CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM

To: Brent Branham, Acting City Manager
From: Carla M. Rodriguez, Director of Grant Administration
Date: November 19, 2013
Subject: FY 2014 Firehouse Subs Public Safety Foundation Grant Program

GOAL: Authorize the submission of a grant application to the Firehouse Subs Public Safety Foundation for funding under the Fiscal Year 2014 Grant Program.

BRIEF EXPLANATION OF THE ITEM: The Firehouse Subs Public Safety Grant Program provides funding to enhance the life-saving capabilities of public safety entities. The City is eligible to apply for and receive a grant that will provide funding for the purchase of a thermal imaging camera to be used by the McAllen Fire Department firefighters to help identify victims, pinpoint fires and recognize structural dangers before they cause injuries and deaths. The amount of funds requested is \$13,000 with no local match required.

OPTIONS: Option 1: Approving the submission of the grant application will allow the City to fund the acquisition of a thermal imaging camera for the McAllen Fire Department.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to support the life-saving capabilities of the McAllen Fire Department.

RECOMMENDATION: Staff recommends submission of the application.

RESOLUTION NO. 2013-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR FUNDING UNDER THE FISCAL YEAR 2014 GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Firehouse Subs Public Safety Foundation has made funding available to public safety entities through the Fiscal Year 2014 Grant Program;

WHEREAS, the Fiscal Year 2014 Grant Program provides funds to enhance the life-saving capabilities of public safety entities; and

WHEREAS, the McAllen Fire Department is seeking funds to acquire a thermal imaging camera to accelerate search and rescue operations, increase efficiency and enhance firefighter safety in blackened environments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

- 1) The Grant Administration Office is hereby directed to prepare and submit an application to the Firehouse Subs Public Safety Foundation under the Fiscal Year 2014 Grant Program for the purchase of a thermal imaging camera to enhance the life-saving capabilities of McAllen Fire Department firefighters. The amount of funds requested is \$13,000 with no local match required.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Firehouse Subs Public Safety Foundation in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 25th day of November 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

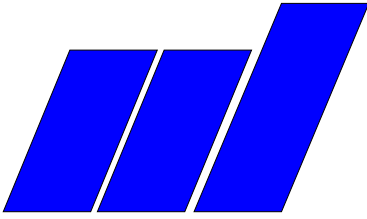
City of McAllen

Annette Villarreal, City Secretary

James Darling, Mayor

Approved as to form:

Kevin D. Pagan, City Attorney



CITY OF MCALLEN
TRANSIT DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Elizabeth Suarez, Transit Director *ES*

Date: November 19, 2013

Subject: Authorization to purchase two (2) low floor, heavy duty 35' Buses for Metro from Gillig LLC in the amount of \$789,768.00 (PROJECT NO. 11-13-P09-01)

Goal:

Seeking authorization to purchase two (2) heavy-duty, low floor 35' Buses for fleet expansion.

Brief Explanation:

The City of McAllen and the City of Laredo have collaborated through an interlocal agreement with the City of Brownsville as the lead agency on transit rolling stock procurement. A single bid was received from Gillig LLC of Hayward California. In July of 2009 a contract was executed for the purchase of buses by the City of Brownsville. The Transit Department wishes to secure the two buses through the current contract.

The Transit Department seeks authorization to purchase two (2) transit Buses through the City of Brownsville's Contract. The cost for the two (2) Buses is \$789,768.00 and will be purchased with 83% subsidy by a Federal Transit Administration Grant.

Options:

1. Authorize the purchase of two (2) buses from Gillig LLC in the amount of \$789,768.00
2. Disapprove staff's recommendation and hold off on the purchase of Buses.

Recommendation:

Staff recommends authorization to purchase two (2) low-floor, heavy duty transit Buses from Gillig LLC in the amount of \$789,768.00.



PIGGYBACK QUOTE LETTER

October 11, 2013

Mario Delgado
Assistant Transit Director
City of McAllen TX
1501 West Highway 83 – Suite 100
McAllen TX, 78501

Dear Mario:

Thank you for your interest to purchase two (2) 35ft. buses by “piggybacking” off the Brownsville TX contract.

Gillig is pleased to quote the following:

Two (2) 35ft. Buses @ \$394,844 each

This price is valid for thirty (30) days and is FOB McAllen TX. Prices exclude any taxes and license fees. The production of your buses will begin in 16 months from date of P.O. To maintain this production schedule we will require a firm purchase order within thirty days.

We thank you for this opportunity and appreciate your interest in Gillig and our products. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Joe Saldana
Gillig Regional Sales Manager

File

MEMO

TO: Mike R. Perez, City Manager

FROM: Elizabeth Suarez, Transit Director *ES*

DATE: November 19, 2013

SUBJECT: Approval to Enter into Contract Negotiations with WAVE Inc. for Award of Electric Bus Project in the amount of \$2,045,000.00 contingent they meet the City's bonding requirements. (PROJECT NO. CA1303)

- **Goal** – To implement Electric Bus Technology in a portion of the City of McAllen’s bus fleet in an effort to reduce energy consumption as well as greenhouse gas emissions.
- **Background** – The City of McAllen Transit Department received a grant from the Federal Transit Administration’s Transit Investment in Greenhouse Gas Emission Reduction (TIGGER) Program in the amount of \$1,906,908 requiring a local match of \$211,879 for a total project cost of \$2,118,787 for the Implementation of Electric Buses to one of Metro McAllen’s bus routes. On September 6, 2013 the City of McAllen received 2 proposals for the abovementioned project. The proposals received were from EVAmerica out of Chattanooga, Tennessee, and WAVE Technologies Inc. out of Park City Utah. A summary of the proposals is as follows;

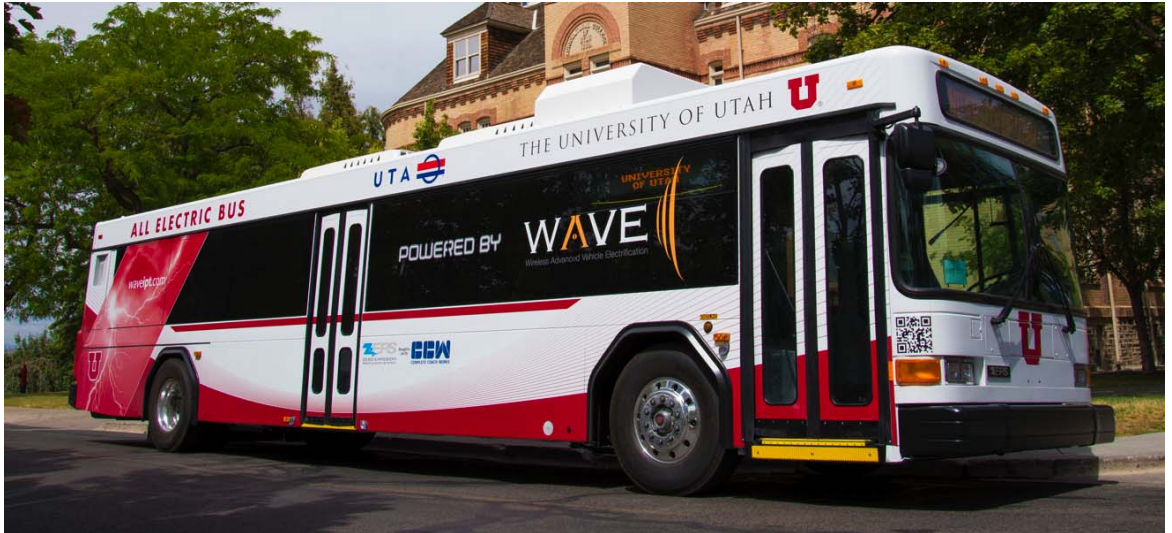
RESPONDENTS:			
COMPANY	BID BOND	ADDENDUM 1, 2, & 3	PROPOSAL AMOUNT
EV AMERICA, CHATTANOOGA, TN	SUBMITTED	ACKNOWLEDGED	\$3,103,940.00
WAVE INC., PARK CITY, UT *	NONE SUBMITTED	ACKNOWLEDGED	\$2,045,000.00

*DID NOT SUBMIT ELECTRONIC RESPONSE

EVAmerica complied with all proposal requirements but was almost one million dollars over budget. Although WAVE Inc. was within budget, they failed to provide the required bid bond. In the proposal they indicated that they could provide project security in the form of a bid bond or escrow funds during the contract negotiation process. After further review, it was determined that EVAmerica had filed for Bankruptcy in January of 2013. In consulting with the City’s Legal Department, as well as with the Federal Transit Administration, it was determined that based on EVAmerica’s financial situation, and the lack of other similar technology vendors, the only viable option was to seek to negotiate a contract with WAVE Inc. for the project contingent that they provide the required project security.

- **Options**
 - Option 1 – Approval to enter into contract negotiations with WAVE Inc.
 - Option 2 – Reject proposals and rebid the project.
- **Recommendation** –Based on the recommendations from the Legal Department and the Federal Transit Administration, as well as the fact that WAVE Inc. is the only viable contractor for the project, staff recommends approval to enter into contract negotiations with WAVE Inc. for the Electric Bus Project in the amount of \$2,045,000.00 contingent they meet the City’s bonding requirements.

The City of McAllen Electric Bus Procurement Project



An Elegant Solution | Minimal Infrastructure on Road



WAVE's In-Ground Primary Charging Pad

Technology Facts;

- 346% more efficient and 93% cheaper to operate than a comparable diesel bus
- Wireless inductive charge can occur transported over an eight inch air gap
- Its fuel economy is approximately 1.63 kWh/mile, the equivalent of 23.14 MPG

6.2 COST BREAKDOWN

WAVE Confidential & Proprietary – Do Not Distribute

No.	Item	Information	Unit Price	Quantity	Total Price
1	Coach	Complete Coach Works ZEPS Bus	\$600,000	2	\$1,200,000
2	Charging Station	WAVE 50 kW Primary Charging Station	\$445,000	1	\$445,000
3	Receiver Pad	WAVE 50 kW on bus receiver pad	\$50,000	2	\$100,000
4	WAVE Maintenance Support	Three Years Maintenance Support	\$100,000	1	\$100,000
TOTAL PROJECT PRICE					\$1,845,000
Additional Options or Expenses					
	Estimated site-specific costs (including, permits, grid feed, conduit, design, architecture, excavation and construction, paving, etc.) *****				\$200,000
	Additional WAVE 50 kW Primary Charging Station^^		\$250,000	1	\$250,000
	Extended WAVE Warranty (five years) (Years 2-6)		\$45,000	2	\$90,000
	WAVE Maintenance Support (Years 4-12)		\$25,000	9 years	\$225,000
	Five Year Parts and Labor Warranty on EV Drive and Battery Pack (CCW)		\$35,000	2	\$70,000
	Annual fleet inspection fee required for the Five Year Parts & Labor Warranty for years 3-5 (CCW)		\$1,500	Per year	\$4,500

*****This is only an estimate for the budgeting consideration of the City of McAllen. As discussed in Section 6.1.1, WAVE is unable to commit to a price for the full installation without doing a full analysis of the proposed installation site.

^^Estimated cost of additional system

WAVE Confidential & Proprietary – Do Not Distribute



To: Mike R. Perez, City Manager
Through: Roel Rodriguez, Assistant City Manager
From: Belinda Mercado, Information Technology Director
Date: November 18, 2013
Subject: Purchase Computers through Texas Department of Information Resources (DIR)

GOAL:

To purchase standardized computer equipment for the City of McAllen

BRIEF EXPLANATION:

The Information Technology department over the last nine years has purchased computers through the State of Texas - Department of Information Resources (DIR) program. The Texas Government Code Section 791.025 states that the Texas DIR program has met the competitive bid requirement.

Attached are the Dell computers that are planned for purchase this fiscal year. The current replacement cycle for city computers is a 4-5 year cycle. Below is a cost by fund on the purchase of 299 computers.

Funding	Type	Quantity	Cost
General Fund	desktops	162	\$148,213
	laptops	48	\$ 46,373
Enterprise Funds	desktops	83	\$ 75,945
	laptops	6	\$ 7,302
TOTAL		299	\$277,833

OPTIONS:

1. Purchase city computers through the Dell Texas DIR program.
2. Purchase computers through an alternative DIR contract

RECOMMENDATION: Staff recommends approval of the purchase of Dell computers through the State of Texas DIR program (DIR-SDD-1951-TX).

General Fund 2013-2014

Tax Office	6
Purchasing	2
Human Resources	5
Police	78
Traffic	10
Parks	20
E.O.C.	4
City Sec	1
Passport	4
Street Drainage	5
Fire	36
Radio Shop	3
City Mgr	2
Planning	1
Legal	1
Commission Room	2
Library	30
<i>Total</i>	<i>210</i>

Enterprise 2013-2014

Airport	3
Sewer Plant	14
Water Lab	3
Water Plant	3
Downtown Serv.	10
Risk	2
Benefits	2
Recycle	2
Bridge	7
Fleet	3
MPU Engr	3
MPU Billing	4
MPU Customer	4
MPU Admin	5
Convention Center	16
Waster Dist	6
Public Works	2
<i>Total</i>	<i>89</i>

Grand Total 299

Shipping Material for System,Dell OptiPlex (331-1269)	45
Microsoft Office Trial, MUI, OptiPlex, Precision, Latitude (630-AABP)	45
Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis 2 Year Extended (995-1923)	45
Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis Initial Year (995-0903)	45
Dell Limited Hardware Warranty Plus Service Extended Year(s) (995-4303)	45
Dell Limited Hardware Warranty Plus Service Initial Year (995-4093)	45
Dell ProSupport Service Offering Declined (991-2878)	45
Intel Core i7 Desktop Sticker (331-1565)	45

*Total Purchase Price:	\$41,158.35
Product Subtotal:	\$41,158.35
Tax:	\$0.00
Shipping & Handling:	\$0.00
State Environmental Fee:	\$0.00
Shipping Method:	LTL 5 DAY OR LESS
	(* Amount denoted in \$)

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QUOTATION

Quote #: 668374247
 Customer #: 129431142
 Contract #: 42AFU
 Customer Agreement #: DIR SDD-1951
 Quote Date: 11/18/2013
 Customer Name: MCALEN ISD

Date: 11/18/2013

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

Sales Professional Information

SALES REP: RICHARD A TAGLE PHONE: 1800 - 4563355
 Email Address: Richard_Tagle@Dell.com Phone Ext: 4167705

GROUP: 1 QUANTITY: 10 SYSTEM PRICE: \$1,216.49 GROUP TOTAL: \$12,164.90

Description	Quantity
XPS 13 (210-ABGH)	10
4GB Dual Channel DDR3 1600Mhz (On Board) (370-AAYT)	10
English Keyboard (583-BBMS)	10
Intel HD Graphics 4400 (490-BBNT)	10
Software for Intel Dual Band Wireless-AC 7260 + Bluetooth 4.0 (658-BBRI)	10
128GB mSATA Solid State Drive (400-AAFZ)	10
Windows 7 Professional 64 bit Service Pack 1, English, No Media (421-5804)	10
Waves MaxxAudio 5.0 (510-BBBY)	10
Intel Dual Band Wireless-AC 7260 + Bluetooth 4.0 (555-BBEH)	10
PowerCord 2.5A 1M C5 E5 with Duck Head Plug (470-AANZ)	10
Badge (331-5050)	10
Dell Hardware Limited Warranty, Initial Year (969-9915)	10
Dell Hardware Limited Warranty, Extended Year (969-9917)	10
ProSupport: In-Home Service After Remote Diagnosis Initial Year (969-9918)	10
ProSupport: In-Home Service After Remote Diagnosis 2 Year Extended (969-9920)	10
ProSupport: 7x24 Technical Support, Initial Year (969-9921)	10
ProSupport: 7x24 Technical Support, 2 Year Extended (969-9923)	10
Thank you choosing Dell ProSupport. For tech support, visit http://support.dell.com/ProSupport or call 1-866-516-3115 (989-3449)	10
Software: Microsoft Office 2013 Trial (630-AAAU)	10
McAfee LiveSafe 12 Month Subscription (461-AAAN)	10
Not Selected in this Configuration (817-BBBC)	10
4th Generation Intel Core i3-4010U processor (3M Cache, 1.7 GHz) (338-BCYO)	10
Placemat (340-AFKG)	10
Software, Retail Registration 1.0 (640-BBEO)	10
Non-Canada Orders only (332-1286)	10
ENERGY STAR qualified/EPEAT registered (387-BBCN)	10

55 WHr 6-Cell Battery (451-BBFJ)	10
Dell.com Order (332-1530)	10
Shipping Material (328-BBFD)	10
Directship info mod (340-ABFC)	10
CFI Included (469-2487)	10
13.3 inch LED Backlit Display with Truelife and FHD resolution (1920 x 1080) (391-BBIL)	10
Additional Software (658-BBUM)	10
AC Adaptor 45W 3P E5 (492-BBCR)	10
Platform Quickset (631-AADN)	10
Palmrest Label - English (389-BCUE)	10
Thank You for Choosing Dell (730-6438)	10
Microsoft Win7 OS Label SKU (389-BCLF)	10
Not Included (340-ACQQ)	10
Smart Selection Shipment (S) (800-BBGW)	10
(*)	1

COMMENT

-DISCOUNT/COUPON APPL

*Total Purchase Price:	\$12,164.90
Product Subtotal:	\$12,164.90
Tax:	\$0.00
Shipping & Handling:	\$0.00
State Environmental Fee:	\$0.00
Shipping Method:	LTL 5 DAY OR LESS
	<i>(* Amount denoted in \$)</i>

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QUOTATION

Quote #: 665423346
 Customer #: 002439583
 Contract #: 42AFU
 Customer Agreement #: DIR SDD-1951
 Quote Date: 10/11/2013
 Customer Name: CITY OF MCALLEN

Date: 10/15/2013

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

Sales Professional Information

SALES REP: LUIS M HERRERA PHONE: 1800 - 4563355
 Email Address: Mark.Hudson@Dell.com Phone Ext: 7263420

GROUP: 1 QUANTITY: 33 SYSTEM PRICE: **\$852.05** GROUP TOTAL: \$28,117.65

Description	Quantity
Dell Latitude E5530 (225-2984)	33
3rd gen Intel Core i5-3380M Processor (2.9GHz, 3M cache, Upgradable to Intel vPro technology), Dell Latitude E5430/5530 (338-BBRQ)	33
8.0GB, DDR3-1600MHz SDRAM, 2 DIMMS, Dell Latitude (319-0038)	33
Documentation (English), Dell Latitude and Precision Workstations (332-0472)	33
Tech Setup Guide, English, Dell Latitude E5X30 (331-6017)	33
Internal English Single Point Keyboard, Latitude E (331-9867)	33
Internal Keyboard Cable, Dell Latitude E5530 (331-7408)	33
Express Card (318-1936)	33
320GB 5400rpm Hard Drive, Dell Latitude E5X30 (342-4282)	33
Integrated Palmrest without Finger Print Reader (331-6467)	33
15.6" HD (1366x768) Anti-Glare WLED-backlit, Dell Latitude E5530 (320-3219)	33
Windows 7 Professional, 64-bit, No Media, Latitude, English (421-8067)	33
Windows 7 Label, Latitude, Vostro and Mobile Precision Notebooks (330-6322)	33
Software, DDPA (Dell Data Protection Access), version 2.3, Dell Latitude EXX30 (421-8718)	33
No Modem for Latitude E-Family (313-9606)	33
US - 3 foot Flat Power Cord, Dell Latitude (330-4016)	33
65W 3-Pin, AC Adapter, Dell Latitude E4 (331-5830)	33
Regulatory Label, Dell Latitude E5530 (331-6470)	33
8X DVD, Dell Latitude EXX0 (318-0371)	33
8X DVD Bezel, Dell Latitude E5X30 (318-1811)	33
Thank you for Choosing Dell (318-2231)	33
Light Sensitive Webcam and Noise Cancelling Digital Array Mic, Dell Latitude E5530 (318-1946)	33
Dell Webcam Central Software Dell Latitude/Mobile Precision (421-1201)	33
Dell Wireless 1504 802.11g/n Single Band Wi-Fi Half Mini-card, Dell Latitude E4/Mobile Precision (430-4639)	33

Broadcom TruManage, Dell Latitude E5X30 (331-7217)	33
6-Cell (60WH) Primary Lithium Ion Battery, (2.8Ah) ExpressCharge Capable for Latitude E4 (312-1318)	33
Energy Star 5.2 Enabled / EPEAT (331-6464)	33
Microsoft Office Trial, MUI, OptiPlex, Precision, Latitude (630-AABP)	33
Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis 2 Year Extended (995-0031)	33
Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis Initial Year (994-9321)	33
Dell Limited Hardware Warranty Plus Service Extended Year(s) (995-1711)	33
Dell Limited Hardware Warranty Plus Service Initial Year (995-1511)	33
Dell ProSupport Service Offering Declined (991-2878)	33
Intel Core i5 Processor (331-1633)	33

*Total Purchase Price:	\$28,117.65
Product Subtotal:	\$28,117.65
Tax:	\$0.00
Shipping & Handling:	\$0.00
State Environmental Fee:	\$0.00
Shipping Method:	LTl 5 DAY OR LESS
	(* Amount denoted in \$)

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City of McAllen
Standardized Recommendation Form

City Commission **X**
 Utility Board _____
 Other Board _____

Agenda Item **3D**
 Date Submitted 11/19/13
 Meeting Date 11/25/13

1. Agenda Item: Award of Contract - Professional Services for Assessment of Financial/Human Resources ERP system

2. Party Making Request: Belinda Mercado, IT Director

3. Nature of Request: (Brief Overview) Attachments: **X** Yes No
 Request authorization to award contract to Cogsdale for professional services. Services includes an assessment of our Enterprise Resource Planning (ERP) system installation that was completed in April 2012.

4. Policy Implication: _____

5. Budgeted: **x** Yes No N/A Tech Fund 340-8708-416-66-24 (IT1001)
 Bid Amount: \$29,790 Budgeted Amount: \$30,000
 Under Budget: _____ Over Budget: _____
 Amount Remaining: \$210

If over budget, how will it be paid for: _____

6. Alternate option/costs: _____

7. Routing: _____

<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a) <u> Belinda Mercado, IT Director </u>	<u> BEM </u>	_____	<u> x </u> Yes <u> </u> No
b) <u> Sandra Zamora, Purchasing Contract Dir </u>	_____	_____	<u> x </u> Yes <u> </u> No
c) <u> Roel Rodriguez, Asst. City Manager </u>	_____	_____	<u> x </u> Yes <u> </u> No
d) _____	_____	_____	_____ Yes <u> </u> No
e) _____	_____	_____	_____ Yes <u> </u> No

8. Staff's Recommendation: Approval to authorize award of contract to Cogsdale for professional services for ERP Assessment

Advisory Board: Approved Disapproved None

City Attorney: KP Approved Disapproved None

Manager's Recommendation: ABB Approved Disapproved None



To: Mike R. Perez, City Manager
Through: Roel Rodriguez, Assistant City Manager
From: Belinda Mercado, Information Technology Director
Date: November 19, 2013
**Subject: Professional Services – Assessment of Financial/HR ERP System
(Project 07-13-S57-67)**

GOAL:

To seek a Microsoft Certified Partner to perform a review of our ERP installation, and provide recommendations for improvement.

BRIEF EXPLANATION:

On July 23, 2013 the Purchasing and Contracting Department received one bid proposal for Microsoft Dynamics GP consulting.

	Cogsdale Corporation Charlottetown, PE
ERP Assessment	\$29,790
Dynamics GP Upgrade (optional)	\$69,224
Total Services	\$99,014

The ERP Assessment requires professional services from a certified Microsoft Dynamics GP partner to review processes, procedures, and practices implemented in April 2012. Also included in the proposal is an optional cost to upgrade our software version to a new version that is web-based and provides ease of use for the user.


In September, staff from Finance and IT conducted in-depth conference calls with Cosgdale consultants in reviewing some immediate concerns of the software implementation. After multiple reviews staff felt the consultants had a good working knowledge of Microsoft Dynamics. Cogsdale is known in the industry as a Microsoft partner that focuses on public sector customers.

OPTIONS:

1. Award contract to Cogsdale for an ERP assessment in the amount not to exceed \$29,790.
2. Award contract to Cogsdale for an ERP assessment and optional upgrade services for a total cost of \$69,224.00

RECOMMENDATION:

(Option 1) Staff recommends approval to award contract to Cogsdale for an ERP assessment for \$29,790.

To: Mike R. Perez, City Manager
From: Yvette Barrera, PE, CFM, City Engineer 
Date: November 15, 2013
Subject: Award of Contract – Concrete Rip-Rap Improvements at Bentsen Road
(Project No. 09-13-C35-249)

GOAL
Consideration and approval of award of contract for the Concrete Rip-Rap Improvements at Bentsen Road Paving.

EXPLANATION
On September 12, 2013, the Purchasing and Contracting Department received bids on the Concrete Rip-Rap Improvements at Bentsen Road. The project consists of concrete rip-rap and removal of a drainage structure at the tie-in point of the new Mission-McAllen Lateral Ditch with the existing. This was previously under Leal Construction's scope for Bentsen Road Drainage, who has since then closed their business, and has remained incomplete. Below is summary of the submitted bids. The budgeted amount for the project is \$145,000.00. The improvements are proposed to be paid for with the retainage that is still being withheld from Leal Construction's contract.

Bid Summary	
Rojas Heavy Equipment, LLC Alamo, TX	\$127,540.00
AB Construction Co., LLC Mission, TX	\$154,000.00
REIM Construction, Inc. Mission, TX	\$168,000.00

Please see attachment for detailed bid tabulation.

- OPTIONS**
1. Reject bids.
 2. Award bid. (staff recommendation)

RECOMMENDATION
Based on review by this office, staff recommends award of base to the lowest responsive and responsible bidder, Rojas Heavy Equipment, LLC of Alamo, Texas in the amount of \$127,540.00 with a contract time of 35 working days.

PROJECT#: 09-13-C35-249
 PROEJCT NAME: CONCRETE RIP-RAP IMPROVEMENTS AT BENTSEN ROAD
 BID OPENING: SEPTEMBER 12, 2013 @ 4:30 PM
 LOCATION: Large Conference Room (2nd floor) McAllen City Hall

BT created by MC - 09/13/13

ITEM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	UOM	QTY	ROJAS HEAVY EQUIPMENT ★ MISSION, TX	AB CONSTRUCCION, LLC MISSION, TX	REIM CONSTRUCTION COMPANY, LLC MISSION, TX	
3	913-61	BASE	BASE BID: Mission/McAllen Lateral 5" Thick Reinforced Concrete Rip-Rap from approx. proposed Ditch STATION 96+52 to 98+00 along west bank and toe; and STATION 95+09 to 98+00 along east bank, approximately 320 CY, including transition and tie-in to existing ditch and rip-rap, slope protection, weep holes, preparation of right-of-way, excavation, compaction, removal and replacement of traffic guard rail, removal of drainage structure all complete in place per lump sum for	LS	1				
						127.54	\$127,540.00	\$154,000.00	\$168,000.00
						▲ \$127.54	★ \$127,540.00		
TOTAL BASE BID						Mis-calc. elect. bid total	Sealed Written Bid Reflected	\$154,000.00	\$168,000.00
NUMBER OF DAYS TO COMPLETE PROJECT						35	35	35	
ADDENDUM(S) 1						N/A	N/A	N/A	
BID BOND (5%)						YES	CASHIER'S CHECK	YES	
PAPER COPY SUBMITTAL						YES	YES	YES	
ELECTRONIC BID SUBMITTAL						YES	YES	YES	

** Bid Response Copies given to Jeremy per Liz 9/12/13

STANDARDIZED RECOMMENDATION FORM

3F

CITY COMMISSION X
UTILITY BOARD _____
ANZALDUAS BRIDGE _____

AGENDA ITEM _____
DATE SUBMITTED 11/11/13
MEETING DATE 11/25/13

1. Agenda Item: **CHANGE ORDER NO. 2 – DRAINAGE IMPROVEMENTS – KENDLEWOOD AVENUE (19TH ST TO 22ND ST) – Project # B-12-MC48-0506**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Consider and approve change order #2 for the Drainage Improvements-Kendlewood Avenue (19th St to 22nd St)

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: X Yes No N/A

Project # **B-12-MC48-0506**
Funding Source: 132-8038-437-91-03 (ZA3812) - CDBG
400-4030-445-65-24: \$20,761.50 (Change Order #2) - MPU ✓

Original Contract:	\$ 487,900.00	100.00%
Change Order No 1:	\$ 577.00	0.11%
Change Order No 2:	\$ 20,761.50	4.26%
Revised Contract:	\$ 509,238.50	104.37%

6. Alternate Option/Costs _____

7. Routing: NAME/TITLE

	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) <u>R. Rodriguez, PE, General Manager</u> <u>Assistant City Manager</u>	<u>RR</u>	<u>11/20</u>	<u>Y</u>
b.) <u>Y. Barrera, PE, CFM, City Engineer</u>	<u>YB</u>	<u>11/13/13</u>	<u>yes</u>
c.) <u>J. Dale, CPA, Director of Finance</u>	<u>JD</u>	<u>11/19/13</u>	<u>YES</u>
d.) <u>S. Zamora, CPM,</u> <u>Director of Purchasing & Contracting</u>	<u>SZ</u>	<u>11-13-13</u>	<u>Yes</u>
e.) <u>P. Martinez, CDBG Director</u>	<u>PM</u>	<u>11-19-13</u>	<u>Yes</u>

Staff Recommendation: Approve change order #2 in the add amount of \$20,761.50 for a revised contract amount of \$509,238.50 and a revised contract time of 128 working days

9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: Approved Disapproved None

To: Mike R. Perez, City Manager
From: Yvette Barrera, PE, CFM, City Engineer
Date: November 11, 2013



Subject: Change Order No. 2 - Drainage Improvements-Kendlewood Avenue (19th St to 22nd St) -Project No. B-12-MC48-0506

Goal

Consider and approve Change Order No. 2 for the Drainage Improvements-Kendlewood Avenue (19th St to 22nd St).

Explanation

On May 28, 2013 the City Commission awarded OG Construction the above referenced project. The project involves construction of stormwater improvements to include installation of new inlets and storm sewer in the general area of Hackberry Avenue to Kendlewood Avenue and 19th Street to 22nd Street. Change Order No. 2 is to address repairs necessary due to a waterline break on November 4, 2013 and to repair sanitary sewer connections found during construction.

The waterline break was discovered early Monday morning, November 4, 2013. The break was located about 10-feet outside of the trench where the contractor had excavated and was caused by a failed gasket on the old 8" asbestos cement waterline near the intersection of Kendlewood Ave and 21st St. The significant amount of water compromised the stability of the trench along Kendlewood from 20th St to 22nd St and along 21st St south of Kendlewood and additional work is required to ensure no voids have formed underground.

The other item that Change Order No. 2 addresses is the work required on two sanitary sewer manholes that were uncovered during the installation of the storm sewer. The connections to the manholes were not sealed properly. This construction created an unsafe condition at one manhole where a 5-foot long void was discovered.

The contractor is requesting additional services of \$20,761.50 to make the necessary repairs and 16 additional days. A detailed cost estimate is attached for your review. McAllen Public Utilities was contacted regarding these repairs and they are in agreement to cover these expenses.

Options

- 1) Approve staff's recommendation.
- 2) Reject staff's recommendation

Recommendation

Change Order No. 2 is recommended in the add amount of \$20,761.50 and 16 working days for a revised contract amount of \$509,238.50 and 128 working days.

PROJECT NAME: Kandlewood Ave Drainage Improvements

Project No. 10-1034

Item No	Description	Unit	Unit Price	Original Contract		Change Order #1		Change Order #2		Revised Contract	
				Qty	Total	Qty	Total	Qty	Total	Qty	Total
1	Remove exist storm sewer structure, all depths, including plugging and/or removal of adjacent storm sewer	EA	\$ 2,500.00	2	\$ 5,000.00		\$ -	-	\$ -	2	\$ 5,000.00
2	12" PVC, SDR 26, all depths, complete in place	LF	\$ 79.50	46	\$ 3,657.00	10	\$ 795.00	-	\$ -	56	\$ 4,452.00
3	24" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 48.00	601	\$ 28,848.00		\$ -	-	\$ -	601	\$ 28,848.00
4	30" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 68.00	242	\$ 16,456.00		\$ -	-	\$ -	242	\$ 16,456.00
5	36" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 88.00	281	\$ 24,728.00		\$ -	-	\$ -	281	\$ 24,728.00
6	42" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 92.00	992	\$ 91,264.00		\$ -	-	\$ -	992	\$ 91,264.00
7	54" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 148.00	496	\$ 73,408.00		\$ -	-	\$ -	496	\$ 73,408.00
8	60" RCP, C76, Class III, with "O" ring rubber gasket joints, all depths, complete in place	LF	\$ 198.00	114	\$ 22,572.00		\$ -	-	\$ -	114	\$ 22,572.00
9	Type "A" inlet, all depths, complete in place	EA	\$ 3,900.00	11	\$ 42,900.00		\$ -	-	\$ -	11	\$ 42,900.00
10	Type "A" inlet with extension, all depths, complete in place	EA	\$ 5,500.00	1	\$ 5,500.00		\$ -	-	\$ -	1	\$ 5,500.00
11	Type "F" inlet, all depths, complete in place	EA	\$ 3,900.00	5	\$ 19,500.00		\$ -	-	\$ -	5	\$ 19,500.00
12	4-ft reinforced concrete storm sewer manhole, all depths, complete in place	EA	\$ 4,800.00	2	\$ 9,600.00		\$ -	-	\$ -	2	\$ 9,600.00
13	4-ft reinforced concrete conflict storm sewer manhole, all depths, complete in place	EA	\$ 5,600.00	1	\$ 5,600.00		\$ -	-	\$ -	1	\$ 5,600.00
14	5-ft reinforced concrete storm sewer manhole, all depths, complete in place	EA	\$ 5,200.00	6	\$ 31,200.00		\$ -	-	\$ -	6	\$ 31,200.00
15	5-ft reinforced concrete conflict storm sewer manhole, all depths, complete in place	EA	\$ 6,500.00	1	\$ 6,500.00		\$ -	-	\$ -	1	\$ 6,500.00
16	Type 'M' Manhole, all depths, complete in place	EA	\$ 4,200.00	5	\$ 21,000.00		\$ -	-	\$ -	5	\$ 21,000.00
17	Type 'M' Manhole with conflict, all depths, complete in place	EA	\$ 5,500.00	1	\$ 5,500.00		\$ -	-	\$ -	1	\$ 5,500.00
18	Trench safety as per OSHA requirements	LF	\$ 2.50	2,772	\$ 6,930.00		\$ -	-	\$ -	2,772	\$ 6,930.00

38	Waterline Break: Remove and Replace asphalt pavement	SY	\$ 14.50	-	\$ -	\$ -	16	\$ 232.00	16	\$ 232.00
39	Waterline Break: Performance and Payment Bond Premium	EA	\$ 535.00	-	\$ -	\$ -	1	\$ 535.00	1	\$ 535.00
TOTAL					\$ 487,900.00	\$ 577.00		\$ 20,761.50		\$ 509,238.50



Phone #	956-292-0008
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Estimate

Edinburg, TX 78541

Date	Estimate #
10/10/2013	810

Fax #	956-292-0896
-------	--------------

E-mail	omar@ogbuild.com
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Name / Address
City of McAllen Attn: Accounts Payable PO Box 220 McAllen, TX 78505-0220

Ship To
Kendlewood Avenue McAllen, Texas 78501

Project	Kendlewood Drainage
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Description	Qty	U / M	Cost	Total
Saw Cut and Remove Existing Asphalt	1	LS	200.00	200.00
Excavate, Fill, & Compact Fill	10	CY	50.00	500.00
Repair existing sewer line connection at manhole w/ city provided materials.	1	EA	200.00	200.00

Thank you and have a great day!

Total	\$900.00
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CLIENT CHANGE PROPOSAL

<p>PROJECT: Kendlewood Drainage Improvements PROJECT NO: B-12-MC-48-0606</p> <p>TO: City of McAllen 1300 Houston Ave. McAllen, Texas 78501</p>	<p>PROPOSAL NO.: 3 PROPOSAL DATE: 11/7/2013</p>
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ITEM NUMBER	DESCRIPTION	ACCT CODE	UNIT	UNIT PRICE	TOTAL
1	Removal of existing backfill per square yard.		1189	\$4.00	\$4,756.00
2	City to haul off and dispose of unusable back fill material.		0	\$115.00	\$0.00
3	City to provide new back fill material.		0	\$145.00	\$0.00
4	Compact & back fill in 8" lifts per square yard.		1189	\$6.50	\$7,728.50
5	Remove & Replace existing caliche flex base per square yard.		315	\$16.00	\$5,040.00
6	Relocate Traffic Control to be provided by City.		0	\$900.00	\$0.00
7	Remove & Replace existing concrete curb & gutter.		28	\$15.00	\$420.00
8	Remove & Replace Handicap Ramp		1	\$750.00	\$750.00
9	Vaccume Services to remove mud from within the drainage line to be provided by City.		0	\$7,800.00	\$0.00
10	Remove and replace asphalt pavement per square yard.		16	\$14.50	\$232.00
11	Performance & Payment Bond premium.		1	\$535.00	\$535.00

Any areas that are not removed and re-compacted will not have a warranty as the affected areas have been structurally compromised.

	SUB-TOTAL	\$19,461.50
	OH	0.00% \$0.00
	FEE	0.00% \$0.00
	INSURANCE	0.00% \$0.00
	R&R TAX	0.00% \$0.00
	LABOR BURDEN INCL	\$0.00
CHANGE IN CONTRACT SUM		ADD \$19,461.50

CHANGE IN CONTRACT TIME (CALENDAR DAYS) ADD 16

We hereby propose to make these changes on the above referenced project. When approved, the change proposal amount will be incorporated into a Change Order to our contract agreement to be executed by all appropriate parties. O.G. Construction Co., LLC reserves the right to request time extensions due to changes in this proposal due to impacts from other changes.

<p>APPROVED: _____ O.G. Construction Co., LLC</p>	<p>DATE: <u>11/11/13</u></p>
<p>APPROVED: _____ City of McAllen</p> <p>_____ Print Name & Title</p>	<p>DATE: _____</p>

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer



Date: November 18, 2013

Subject: **Consideration and Approval of Advanced Funding Agreement – SH 336
(10th St.) Medians from Trenton Road to SH 107**

GOAL

Consideration and review of the Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for SH 336 (10th St.) medians from Trenton Road to SH 107.

EXPLANATION

A joint project is proposed to install landscaped medians within the existing center left turn lane on 10th Street from Trenton Road to SH 107. The proposed AFA does not require a local match. The project includes the design of a raised landscaped median within the existing cross section. Generally, the terms of the agreement include:

- City will prepare plans, specifications and estimates to meet the design requirement of TxDOT and FHWA.
- TxDOT will provide environmental document, conducting of public meeting, contract administration and construction management.

The project is currently on the Hidalgo County Metropolitan Planning Organization's (HCMPO) Transportation Improvement Program (TIP). The project is scheduled to let in September 2015 for an estimated \$1,846,000.

OPTIONS

Approve or disapprove Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for SH 336 (10th St.) medians from Trenton Road to SH 107.

RECOMMENDATION

Based on review by this office, staff recommends approval of the Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for SH 336 (10th St.) medians from Trenton Road to SH 107. No funds are required for executing this agreement.

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY
LOCAL GOVERNMENT CONTRIBUTIONS
TO TRANSPORTATION IMPROVEMENT
PROJECTS WITH NO REQUIRED MATCH**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the **City of McAllen**, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, Commission Minute Order Number 113074 authorizes the State to undertake and complete a highway improvement generally described as the widening of FM 2220 to 6 lanes; and,

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as plans, specifications and estimates (PS&E) for the medians and landscaping of SH 336 from Trenton Road to SH 107, called the "Project"; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

AGREEMENT

1. Time Period Covered

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.

2. Project Funding and Work Responsibilities

A. The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this

contract. In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.

- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

5. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

9. Increased Costs

- A.** In the event it is determined that the funding provided by the Local Government will be insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Local Government cannot pay the additional funds, this contract shall be mutually terminated in accordance with Article 11 – Termination. If this is a fixed price agreement as specified in Attachment A, Payment Provision and Work Responsibilities, this provision shall only apply in the event changed site conditions are discovered or as mutually agreed upon by the State and the Local Government.
- B.** If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

10. Maintenance

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

11. Termination

- A.** This agreement may be terminated in the following manner:
1. By mutual written agreement and consent of both parties;

2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
 3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- B. If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
Mayor	Director of Contract Services Office
City of McAllen	Texas Department of Transportation
PO Box 220	125 E. 11 th Street
McAllen, Texas 78505	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

15. Amendments

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

16. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

17. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

18. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0621-01-100
District # 21 - Pharr
Code Chart 64 # 25950
Project: SH 336 from Trenton
Road To SH 107

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

District Engineer

Date

ATTACHMENT A
PAYMENT PROVISION AND WORK RESPONSIBILITIES

A. Scope of Work

The Local Government will perform the plans, specifications and estimates (PS&E) for the medians and landscaping of SH 336 from Trenton Road to SH 107,

B. Payment Provision

The Local Government 's participation will be limited to providing the plans, specifications and estimates (PS&E) for the medians and landscaping. The State will be responsible for the preliminary direct state costs and the indirect state costs. The State has estimated the Project cost to be as follows:

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Preliminary Engineering (by LG)	\$ 84,525	0%	\$ 0	0%	\$ 0	100%	\$ 84,525
PE Direct State Costs (7%)	\$ 5,917	0%	\$ 0	100%	\$ 5,917	0%	\$ 0
Indirect State Costs (7.27%)	\$ 6,145	0%	\$ 0	100%	\$ 6,145	0%	\$ 0
TOTAL	\$ 96,587		\$ 0		\$12,062		\$ 84,525

1. Architectural and Engineering Services

The **Local Government** has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2013-2014

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	

To be assigned by Finance Dept.

FUND: CAPITAL IMPROVEMENT FUNDS

DEPARTMENT: ENGINEERING

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
300	8708	436	66 36	ID1403	Redbud Drainage Project	-	212,000		212,000
300	0000	280	99 00		Capital Improvement Fund Balance - (Don't Post)	\$ 1,202,484		\$ 212,000	\$ 990,484
TOTALS						\$ 1,202,484	\$ 212,000	\$ 212,000	\$ 1,202,484

(Round up all amounts to the nearest hundred dollars)

<p>JUSTIFICATION: Proposed East Redbud Avenue at North "K" Center Avenue Drainage Improvements project necessary to address flooding issues, on-going pavement failures and potential damage to adjacent private property.</p>	<p style="text-align: center;">Department Head Approval</p> <hr/> <p>Signature _____ Date _____</p>
	<p style="text-align: center;">Finance Department</p> <hr/> <p>Signature _____ Date _____</p>
	<p style="text-align: center;">City Manager</p> <hr/> <p>Signature _____ Date _____</p>

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$212,000.00 FOR FUNDING OF THE EAST REDBUD AVENUE AT NORTH "k" CENTER AVENUE DRAINAGE IMPROVEMENTS PROJECT.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. **Publication of ordinances.**

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of November, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

4B

CITY COMMISSION X
UTILITY BOARD _____
ADVISORY BOARD _____

AGENDA ITEM _____
DATE SUBMITTED 11/14/13
MEETING DATE 11/25/13

1. Agenda Item: BUDGET AMENDMENT - ORDINANCE – PARTICIPATION WITH THE WIDENING OF FREDDY GONZALEZ BETWEEN 23RD STREET AND 2,600 FT TO THE EAST.

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Consideration and approval of Budget Amendment – Ordinance for the participation of the widening of Freddy Gonzalez between 23rd Street and 2,600 ft to the east.

4. Policy Implication: City Commission Policy, Local Government Code.

5. Budgeted: Yes X No N/A
Funding Source:
300-8708-436-66-36 Project ID#IR0105 \$175,000

6. Alternate Option/Costs: N/A

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a.) Yvette Barrera, P.E., CFM, City Engineer	YB	11/14/13	yes
b.) Roel "Roy" Rodriguez, P.E. Asst. City Mgr	RR		
c.) Jerry Dale, CPA, Finance Director	JWD for	11/15/13	yes

8. Staff Recommendation: Approval of Budget Amendment - Ordinance in the amount of \$175,000.

9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: Approved Disapproved None

CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2013-2014

DATE OF ENTRY
 ENTRY MADE BY
 JOURNAL ENTRY #
 AA UPDATE DATE

To be assigned by Finance Dept.

FUND: Capital Improvement Fund

DEPARTMENT: Engineering

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
300	8708	436	66.36	IR0105	Subdivision Drainage Oversized - Freddy Gonzalez Widening	\$ 50,000	\$ 175,000	-	\$ 225,000
300	0000	280	99.00	n/a	Capital Improvement Fund Balance - (DON'T POST)	\$1,377,484.00		175,000	1,202,484
TOTALS						\$ 1,427,484	\$ 175,000	\$ 175,000	\$ 1,427,484

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: Additional funds needed for the City's participation with widening of Freddy Gonzalez between 23rd Street

and 2,600 FT to the East. Edinburg ISD will be invoiced their portion, approximately \$100,00. The developer of Trinity Heights

will be invoiced their portion, approximately \$51,000. The City will be responsible for \$28,000, which will be assessed when the

vacant properties develop.

Department Head Approval

Signature

Date

Finance Department

Signature

Date

City Manager

Signature

Date

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$175,000.00 FOR CITY'S PARTICIPATION IN FUNDING THE WIDENING OF FREDDY GONZALEZ ROAD BETWEEN 23RD STREET AND 2,600 FEET TO THE EAST PROJECT.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. **Publication of ordinances.**

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

SECTION VI: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 25th day of November, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

4C

CITY COMMISSION X
 UTILITY BOARD _____
 OTHER _____

AGENDA ITEM _____
 DATE SUBMITTED 11/12/13
 MEETING DATE 11/25/13

1. Agenda Item: ORDINANCE – DEVELOPER’S CONTRACT FOR PARTICIPATION WITH BICENTENNIAL CROSSING SUBDIVISION PUBLIC IMPROVEMENTS OF A RIGHT TURN LANE.

2. Party Making Request: Steve Spoor Consultants, Inc.,

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Consideration of ordinance to execute a developer’s contract for participation with public improvements for Bicentennial Crossing, Ltd. for an eastbound right turning lane along Nolana Avenue.

4. Policy Implication: Chapter 134, Article III, City of McAllen Code of Ordinance – Improvements

5. Reimbursements Is Applicable X Is not Applicable

6. Alternate Option/Costs \$32,000.00

7. Routing: FUNDING SOURCE: 110-8702-436.66-36 IR0302

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, PE, CFM, City Engineer</u>	<u>YB</u>	<u>11/19/13</u>	<u>yes</u>
b.)	<u>Roel Rodriguez, PE, Assistant City Manager</u>	<u>RR</u>	<u> </u>	<u> </u>
c.)	<u>J.Dale, CPA, Finance Director</u>	<u>JD</u>	<u>11/19/13</u>	<u>YES</u>

Staff Recommendation: Approval of ordinance-developer’s contract as presented.

9. Advisory Board: Approved Disapproved X None

10. City Attorney: Approved Disapproved None

11. Manager’s Recommendation: Approved Disapproved None

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., CFM, City Engineer
Date: November 19, 2013



Subject: Ordinance – Developer’s Contract for participation with public improvements for Bicentennial Crossing Subdivision

GOAL:

Consideration of ordinance to execute developer's contract to participate with public improvements for Bicentennial Crossing Subdivision.

EXPLANATION:

Bicentennial Crossing Subdivision is a commercial subdivision as a proposed shopping plaza. A request was received on behalf of the developer of Bicentennial Crossing Subdivision seeking City participation in the amount of \$32,000 (not to exceed 30% of the total public improvement construction costs) to add an eastbound right turn lane on Nolana Avenue.

According to Section 134-88 (5) Streets: The City may pay, provided funds are available, for street right-of-way in excess of 60-ft of width and for street paving width in excess of 40 feet, except where such extra widths are in commercial or industrial developments or where they are not required by the City.

Through the development process, the developer was required to build approximately 220 feet of additional pavement on Nolana Avenue which will serve as an eastbound right turn lane. If approved, a budget amendment would be required.

OPTIONS:

- (1) Approve Developer’s Contract.
- (2) Disapprove Developer’s Contract.

RECOMMENDATION:

Staff recommends approval of the ordinance to authorize execution of a developer’s contract between the City of McAllen and Bicentennial Crossing, LTD, for participation with public improvements subject to a budget amendment.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$32,000.00 FOR FUNDING PARTICIPATION IN A DEVELOPER'S CONTRACT WITH BICENTENNIAL CROSSING, LTD.FOR A RIGHT TURNING LANE AT NOLANA AVE. AND BICENTENNIAL BLVD.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS, THAT:

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CONSIDERED, PASSED and APPROVED this 25th day of November, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

Spoor Engineering Consultants, Inc.

Consulting Engineers – Civil Land Planning

Estimated Construction Cost
For
Right Turn Lane
Nolana Loop @ Bicentennial Blvd.
November 11, 2013

1. 8" Subgrade – Stabilize with Road Bond (to 1' back of curb)	300	SY	4.00	\$1,200.00
2. 8" caliche Subbase	300	SY	10.00	\$3,000.00
3. 4" caliche base – Stabilize with Road Bond	280	SY	5.00	\$1,400.00
4. Remove curb and gutter	230	LF	10.00	\$2,300.00
5. 6" x 24" curb and gutter	220	LF	10.00	\$2,200.00
6. 3" Hot Mix Surface (two lifts)	280	SY	15.00	\$4,200.00
7. 18" RCP Drain	650	LF	20.00	\$13,000.00
8. Curb Inlet	2	EA	1,500.00	\$3,000.00
9. Cut and repair concrete drive	2	EA	850.00	\$1,700.00

Total: \$32,000.00

STATE OF TEXAS { }

DEVELOPMENT CONTRACT

COUNTY OF HIDALGO { }

WHEREAS, **Bicentennial Crossing, LTD**, a corporation of Hidalgo County, Texas, with its address being 4316 N. 20th Street, McAllen, Hidalgo County, Texas 78504, (hereinafter referred to as "Developer") and the City of McAllen, with its address being 1300 Houston Avenue, McAllen, Hidalgo County, Texas 78501 (hereinafter referred to as "City"), have entered into this development agreement in accordance with the terms and considerations below described;

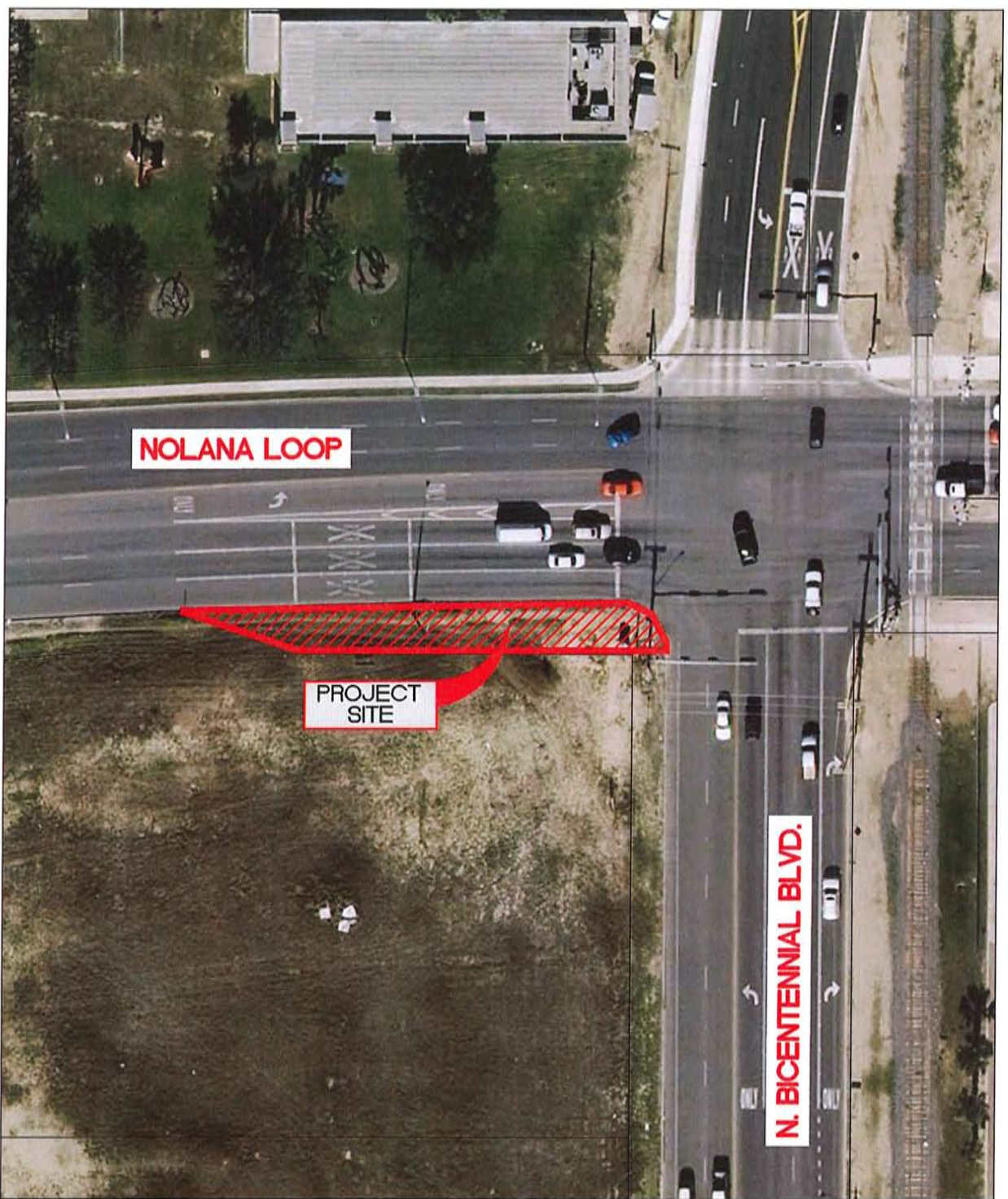
WHEREAS, Developer has applied for and received approval of a subdivision plat for certain property covered under **Bicentennial Crossing Subdivision**, for which a plat has been filed in the Plat Records of Hidalgo County, Texas, and City, being the regulatory authority for such subdivision plat, has approved such plat. As part of the subdivision approval process, City required paving improvements. In providing for such paving, Developer requested that the City participate in the paving construction as herein provided for **Bicentennial Crossing Subdivision**, in the City of McAllen, with City's contribution being **\$32,000** which is less than thirty (30%) of the cost of the public improvements; and

WHEREAS, Developer will provide for the construction of the improvements as aforesaid.

NOW THEREFORE, Developer and City agree as follows:

1. City hereby agrees to pay an amount not to exceed **\$32,000** or **30%** of the actual cost, whichever is the lesser actual amount, of City's share of public improvements being the proportionate cost of the improvements as shown in **Exhibit "A"** upon presentation of the construction contract and verified invoice for actual construction costs for the improvements furnished to City, with request for payment by Developer.

2. The City's payment hereunder shall be conditioned upon the delivery to City of an invoice therefore from Developer based on the actual construction cost and the delivery to City of the final certificate of completion by the contractor and acceptance of such public improvements by City under the subdivision regulations of the City of McAllen, relating thereto.



SCALE: 1" = 60'

"THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. "

NOLANA LOOP

Prop 18 RIP
Down

6117.93

6116.14

6" VALVE
FIRE HYDRANT
CUT OFF

118.3

Prop
GRATE
INLET

50'

140'

EXAL
Power
Pole

118.4

8" M

118.4

Right Turn Lane
Nolana Loop and Bicentennial Boulevard

118.5



PREPARED		
SPOOR ENGINEERING SEC		CONSULTANTS, INC.
203 South 4th Street		TEL. (936) 683-1000
MALLEEN, TEXAS 77801		FAX (936) 683-1002
FIRM # F-0003		spooreng@global.net
STEVE SPOOR PROFESSIONAL ENGINEER		
W.C.		
Scale 1" = 20'		Date 11-11-13
Book No.	Page No.	Revised:

PROP 8" PVE
FLATERS LINE
By Others

NOTES:
 1. DIMENSION SHOWN ARE TO BACK OF CURB, EDGE OF WALK OR EXTERIOR BUILDING FACE, UNLESS OTHERWISE INDICATED.

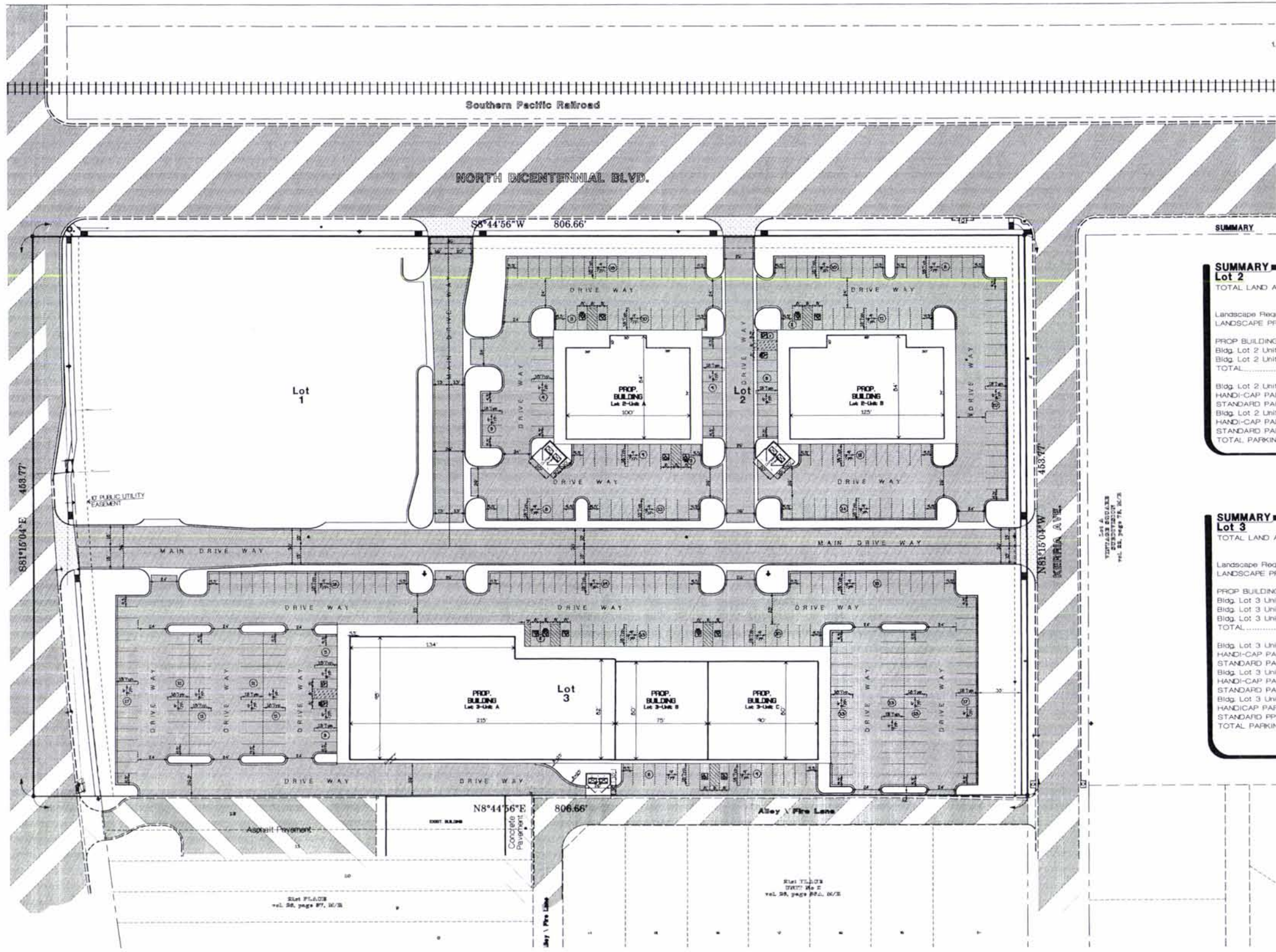
PREPARED BY
SPOOR ENGINEERING & ARCHITECTURE
 202 S. 14th St., Suite 1000
 Oklahoma City, Oklahoma 73102
 (405) 555-1000
 www.spoorengineering.com
 REVISED



MASTER PLAN
BICENTENNIAL CROSSING

SITE LAYOUT

SCALE: 1" = 40'



SUMMARY

Lot 2

TOTAL LAND AREA	16 894 S.F.
	2.68 AC.
Landscape Required	11 669 S.F.
LANDSCAPE PROVIDED	19 948 S.F.
PROP. BUILDING	
Blg. Lot 2 Unit A	7 700 S.F.
Blg. Lot 2 Unit B	9 900 S.F.
TOTAL	17 600 S.F.
Parking	
Blg. Lot 2 Unit A	4 SPC.
HANDI-CAP PARKING	4 SPC.
STANDARD PARKING	79 SPC.
Blg. Lot 2 Unit B	4 SPC.
HANDI-CAP PARKING	4 SPC.
STANDARD PARKING	82 SPC.
TOTAL PARKING PROVIDED	169 SPC.
	9.6 SPC./1000 S.F.

SUMMARY

Lot 3

TOTAL LAND AREA	152 928 S.F.
	3.51 AC.
Landscape Required	15 293 S.F.
LANDSCAPE PROVIDED	20 080 S.F.
PROP. BUILDING	
Blg. Lot 3 Unit A	20 000 S.F.
Blg. Lot 3 Unit B	6 000 S.F.
Blg. Lot 3 Unit C	7 200 S.F.
TOTAL	33 200 S.F.
Parking	
Blg. Lot 3 Unit A	5 SPC.
HANDI-CAP PARKING	5 SPC.
STANDARD PARKING	97 SPC.
Blg. Lot 3 Unit B	2 SPC.
HANDI-CAP PARKING	2 SPC.
STANDARD PARKING	22 SPC.
Blg. Lot 3 Unit C	2 SPC.
HANDICAP PARKING	2 SPC.
STANDARD PARKING	90 SPC.
TOTAL PARKING PROVIDED	218 SPC.
	6.6 SPC./1000 S.F.

SEE VERTICAL CURB AND SIDEWALK ELEVATIONS VOL. 28, PAGE 76, 8/78

SEE T&E'S TRUCK WAY 2 VOL. 28, PAGE 82, 8/78

SEE P&I'S VOL. 28, PAGE 87, 8/78

CITY OF McALLEN
BUDGET RECLASSIFICATION REQUEST FORM
FISCAL YEAR 2014

DATE OF ENTRY	
ENTER MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	

To be assigned by Finance Dept.

FUND: DEVELOPMENT CORP

DEPARTMENT: _____

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Addition	Deletion	Revised Budget
110	8702	436	66-36	IR0302	Capital Outlay - Infrastructure	\$ -	\$ 32,000		\$ 32,000
110	8702	436	66-36	ID1402	Capital Outlay - Infrastructure	200,000		32,000	168,000
						-	-		-
						-		0	-
									-
									-
TOTALS						<u>\$200,000</u>	<u>\$32,000</u>	<u>\$32,000</u>	<u>\$200,000</u>

(Round up all amounts to the nearest hundred dollars)

Justification: To fund city's participation on right turn lane on Bicentennial Subdivision

Department Head Approval

Signature _____ Date _____

Finance Department

Signature _____ Date _____

City Manager's approval is necessary for transfers to
 Capital Improvement Projects and purchases of Capital Outlay.

City Manager

Signature _____ Date _____

TAX OFFICE MEMO

To: Mayor Jim Darling and City Commission

Through: Brent Branham, Interim City Manager

From: Rebecca M. Grimes, Assistant Tax Assessor

Re: YTD Tax Collection Report

Attached, please find the tax collection report that includes collections from October 1, 2012 through September 30, 2013. This report is for both current and delinquent collections. Please let me know if you have any questions regarding this report.

CITY OF MCALLEN TAX OFFICE

Tax Collection Report from 10/01/12 - 9/30/13

	<u>10/1/11-9/30/12</u>	<u>10/1/12-9/30/13</u>
Beginning Balance 100%	31,996,394.74	32,234,648.77
Total Base Collections	30,856,345.42	31,076,068.13
Receivable Balance	1,155,494.96	1,137,320.20
Additions & Deletions (Due to adjustments)	(8,921.04)	(68,124.39)
Collection Rate	96.39%	96.469%

Collections on Delinquent Years 1986 – 2010

	<u>10/1/11-9/30/12</u>	<u>10/1/12-9/30/13</u>
Beginning Balance	3,777,236.63	3,645,954.19
Delinquent Taxes Collected	1,276,421.93	1,209,957.48
Receivable Balance	2,493,086.08	2,385,860.87
Additions & Deletions (Due to adjustments)	(36,711.79)	(129,440.81)
Collection Rate for Del. Years	33.79%	33.19%

Additional Collections and Fees for 2012

Late Rendition Penalties	33,914.04
Penalty & Interest	668,487.78
Attorney Fees	279,459.23
Tax Certificates	750.00

*Please note – 2013 Tax Statements were mailed out on 11/05/2013

RECEIVABLE BALANCE 'R' REPORT

YEAR FROM 1986 TO 2012

CML	-- CITY OF MCALLEN				-----					
YEAR	BEGINNING TAX BALANCE	MAINT ADJ	REFUND ADJ	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	P & I COLLECTED	COLL FEES COLLECTED	RFND P & I ATTY/DISC	DISCOUNT	TOTAL COLLECTED
1986	759.75	100.12-	.00	180.56	479.07	.00	.00	.00	.00	180.56
1987	1542.43	105.59-	.00	190.45	1246.39	.00	.00	.00	.00	190.45
1988	2050.18	114.13-	.00	205.82	1730.23	.00	.00	.00	.00	205.82
1989	4921.71	762.67-	.00	223.87	3935.17	9.35	1.89	.00	.00	235.11
1990	4426.10	573.33-	.00	274.80	3577.97	358.58	73.20	.00	.00	706.58
1991	7975.94	591.32-	.00	505.78	6878.84	848.06	165.53	.00	.00	1519.37
1992	11050.72	1766.67-	.00	680.79	8603.26	1230.28	244.95	.00	.00	2156.02
1993	9968.63	1356.52-	.00	615.15	7996.96	953.08	188.18	.00	.00	1756.41
1994	11381.62	1305.34-	.00	582.86	9493.42	882.55	184.12	.00	.00	1649.53
1995	14017.03	1168.74-	.00	546.84	12301.45	797.40	173.76	.00	.00	1518.00
1996	15259.22	1168.75-	.00	691.94	13398.53	935.74	181.25	.00	.00	1808.93
1997	14795.62	1075.10-	.00	472.70	13247.82	811.78	158.19	.00	.00	1442.67
1998	16059.83	1204.35-	.00	621.87	14233.61	1047.31	223.60	.00	.00	1892.78
1999	20456.17	1167.93-	.00	1444.62	17843.62	2088.57	385.51	.00	.00	3918.70
2000	61403.26	1132.51-	.00	2013.30	58257.45	2803.88	574.85	.00	.00	5392.03
2001	64493.08	115.22-	.00	2908.89	61468.97	2529.50	565.02	.00	.00	6003.41
2002	54357.16	759.93-	.00	4581.95	49015.28	4389.67	1013.92	.00	.00	9985.54
2003	67992.63	799.43-	.00	4156.46	63036.74	4628.98	1129.15	.00	.00	9914.59
2004	78479.72	674.65-	.00	6042.76	71762.31	4896.88	1308.46	.00	.00	12248.10
2005	102754.90	727.22-	.00	9651.80	92375.88	7647.50	2234.40	.00	.00	19533.70
2006	140189.43	605.00-	.00	21027.00	118557.43	15493.63	4838.67	.00	.00	41359.30
2007	258088.14	22250.27-	6209.47	42821.25	199226.09	20748.62	7163.06	.64-	.00	64522.82
2008	356721.73	7547.27-	8993.35	76865.38	281302.43	39959.11	15391.89	794.92-	.00	122428.11
2009	543525.47	14932.43-	8813.49	172148.88	365257.65	71928.10	32070.89	208.74-	.00	267125.64
2010	630052.86	14736.51-	9758.03	229633.47	395440.91	77285.10	42015.84	731.35-	.00	338445.03
2011	1153230.86	52699.81-	45530.63	630868.29	515193.39	144027.46	108389.41	1322.26-	.00	836432.27
2012	32234648.77	68124.39-	46863.95	31076068.13	1137320.20	262186.65	60783.49	71.21-	.00	31352103.11

ENTITY

TOTL	35880602.96	197565.20-	126168.92	32286025.61	3523181.07	668487.78	279459.23	3129.12-	.00	33104674.58
						LESS ATTORNEY'S FEES				279,459.23
						ADD BACK AT FOR REFUNDS				1,198.41-
						TOTAL COLLECTIONS				32,826,413.76
						TOTAL DISTRIBUTION TO ENTITY				32,826,413.76

TXDIS4

RECEIVABLE BALANCE 'R' REPORT

City of McAllen Tax Office
 FUND DISTRIBUTION REPORT
 FROM 10/02/2012 TO 09/30/2013
 * TOTAL ALL FUNDS

DATE 11/15/2013

PAGE 2

YEAR FROM 1986 TO 2012

LRP	-- LATE RENDITION PENALTY									
YEAR	BEGINNING TAX BALANCE	MAINT ADJ	REFUND ADJ	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	P & I COLLECTED	COLL FEES COLLECTED	RFND P & I ATTY/DISC	DISCOUNT	TOTAL COLLECTED
2005	2318.45	52.34-	.00	67.89	2198.22	45.70	12.61	.00	.00	126.20
2006	3045.41	84.46-	.00	57.00	2903.95	49.56	15.98	.00	.00	122.54
2007	5608.69	1961.50-	45.18	458.66	3233.71	107.71	37.85	.07-	.00	558.97
2008	7800.56	296.15-	77.07	644.98	6936.50	179.84	69.85	3.74-	.00	813.86
2009	8115.45	425.11-	197.94	610.95	7277.33	306.30	137.57	20.72-	.00	836.16
2010	9426.37	425.31-	196.22	997.29	8199.99	367.96	204.85	69.25-	.00	1304.63
2011	10054.33	1910.96-	1154.72	2568.40	6729.69	635.38	477.89	99.17-	.00	2427.78
2012	39663.01	4143.67-	44.05	27939.51	7623.88	701.56	198.35	.00	.00	28795.37

ENTITY

TOTL	86032.27	9299.50-	1715.18	33344.68	45103.27	2394.01	1154.95	192.95-	.00	34985.51	
										LESS ATTORNEY'S FEES	1,154.95
										ADD BACK AT FOR REFUNDS	83.48-
										TOTAL COLLECTIONS	33,914.04
										TOTAL DISTRIBUTION TO ENTITY	33,914.04

TOTAL ALL FUNDS

CML	-- CITY OF MCALLEN				
YEAR	BEGINNING TAX BALANCE	MAINT/ REFUND	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	PERCENT COLLECTED
1986	759.75	100.12-	180.56	479.07	27.372 %
1987	1542.43	105.59-	190.45	1246.39	13.254 %
1988	2050.18	114.13-	205.82	1730.23	10.630 %
1989	4921.71	762.67-	223.87	3935.17	5.382 %
1990	4426.10	573.33-	274.80	3577.97	7.132 %
1991	7975.94	591.32-	505.78	6878.84	6.849 %
1992	11050.72	1766.67-	680.79	8603.26	7.332 %
1993	9968.63	1356.52-	615.15	7996.96	7.142 %
1994	11381.62	1305.34-	582.86	9493.42	5.784 %
1995	14017.03	1168.74-	546.84	12301.45	4.256 %
1996	15259.22	1168.75-	691.94	13398.53	4.910 %
1997	14795.62	1075.10-	472.70	13247.82	3.445 %
1998	16059.83	1204.35-	621.87	14233.61	4.186 %
1999	20456.17	1167.93-	1444.62	17843.62	7.489 %
2000	61403.26	1132.51-	2013.30	58257.45	3.340 %
2001	64493.08	115.22-	2908.89	61468.97	4.518 %
2002	54357.16	759.93-	4581.95	49015.28	8.548 %
2003	67992.63	799.43-	4156.46	63036.74	6.185 %
2004	78479.72	674.65-	6042.76	71762.31	7.766 %
2005	102852.40	824.72-	9651.80	92375.88	9.459 %
2006	140189.43	605.00-	21027.00	118557.43	15.064 %
2007	258161.87	16040.80-	42894.98	199226.09	17.716 %
2008	356721.73	1446.08	76865.38	281302.43	21.460 %
2009	543255.35	6118.94-	171878.76	365257.65	31.999 %
2010	630514.50	4978.48-	230095.11	395440.91	36.783 %
2011	1155494.96	7169.18-	633132.39	515193.39	55.135 %
2012	32234648.77	21260.44-	31076068.13	1137320.20	96.469 %
ENTITY					
TOTL	35883229.81	71493.78-	32288554.96	3523181.07	90.161 %
		LESS ATTORNEY'S FEES			279,961.69
		ADD BACK AT FOR REFUNDS			1,198.41-
		TOTAL COLLECTIONS			32,829,594.82
		TOTAL DISTRIBUTION TO ENTITY			32,829,594.82

TOTAL ALL FUNDS

LRP	-- LATE RENDITION PENALTY				
YEAR	BEGINNING TAX BALANCE	MAINT/ REFUND	BASE TAX COLLECTED	RECEIVABLE TAX BALANCE	PERCENT COLLECTED
2005	2318.45	52.34-	67.89	2198.22	2.995 %
2006	3045.41	84.46-	57.00	2903.95	1.925 %
2007	5608.69	1916.32-	458.66	3233.71	12.421 %
2008	7800.56	219.08-	644.98	6936.50	8.507 %
2009	8115.45	227.17-	610.95	7277.33	7.745 %
2010	9426.37	229.09-	997.29	8199.99	10.843 %
2011	10054.33	756.24-	2568.40	6729.69	27.622 %
2012	39663.01	4099.62-	27939.51	7623.88	78.562 %
ENTITY					
TOTL	86032.27	7584.32-	33344.68	45103.27	42.505 %
		LESS ATTORNEY'S FEES			1,154.95
		ADD BACK AT FOR REFUNDS			83.48-
		TOTAL COLLECTIONS			33,914.04
		TOTAL DISTRIBUTION TO ENTITY			33,914.04

STANDARDIZED RECOMMENDATION FORM

5B

CITY COMMISSION	<u>✓</u>	AGENDA ITEM	<u>5B</u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>11/19/2013</u>
PLANNING & ZONING BOARD	_____	MEETING DATE	<u>11/25/2013</u>
OTHER	_____		

1 Agenda Item: City Manager's

2 Party Making Request: Kelly Salazar, Linebarger Firm

3 Nature of Request: (Brief Overview) Attachments: ✓ Yes

Attorneys Delinquent Tax Collection Report from Oct. 1, 2012 to Sept. 30, 2013.

4 Policy Implication: _____

5 Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6 Alternate option costs: _____

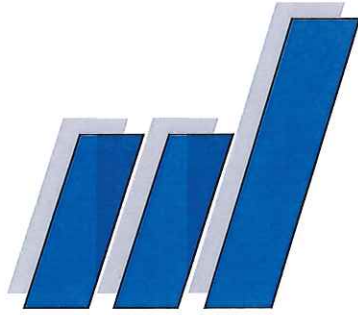
7 Routing:

	<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>
a)	<u>Martha Guel Tax Assessor</u>	<u>mg</u>	<u>11/19/13</u>
b)	_____	_____	_____

8 Staff Recommendation: To accept report as submitted.

10 City Attorney: _____ Approved _____ Disapproved OK _____ None

11 Manager's Recommendation: OK Approved _____ Disapproved _____ None



City of McAllen

**Delinquent Tax Collection
Fiscal Year End Report**

Linebarger Goggan Blair & Sampson, LLP

205 S. Pin Oak Ave., Edinburg, Texas 78539 Phone: 956-383-4500 Fax: 956-383-7820

LAW OFFICES
OF
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
ATTORNEYS AT LAW
205 S Pin Oak Ave.
EDINBURG, TEXAS 78539

Telephone: (956) 383-4500
Facsimile: (956) 383-7820

November 25, 2013

Mr. Jim Darling, Mayor
Mr. Scott Crane, Commissioner, District 1
Mr. Trey Pebley, Commissioner, District 2
Ms. Hilda Salinas, Commissioner, District 3
Ms. Aida Ramirez, Commissioner, District 4
Mr. John Ingram, Commissioner, District 5
Ms. Veronica Vela Whitacre, Commissioner, District 6
City of McAllen
1300 Houston Ave.
McAllen, Texas 78501

**RE: Delinquent Tax Collection for the period of October 1, 2012 through
September 30, 2013.**

Dear Mayor Darling and City Commission:

The Linebarger Goggan Blair & Sampson, LLP Report highlights our delinquent ad valorem tax collection program on behalf of the City of McAllen. Our collection results, as noted herein, indicate our efforts continue to be successful for the City of McAllen.

Please know that we truly appreciate the opportunity to represent the City of McAllen on all delinquent ad valorem tax matters. As always, we will continue to provide the City of McAllen with quality representation, consistent results, and an ample experienced staff of attorneys, legal assistants and a certified tax assessor collector dedicated to servicing your account. We are available to address any questions you may have or to discuss any concerns that interest you at your convenience.

Sincerely,



Kelly Rivera Salazar
Attorney

LINEBARGER GOGGAN BLAIR & SAMPSON APPROACH

- *Demand Mailings*
- *Litigation Statistics*
- *Taxpayer Contact*
- *Personal Visits*
- *Sheriff's Sales*

The delinquent tax collection program for the City of McAllen continues to emphasize two basic premises: work with individual taxpayers to collect taxes owed to City of McAllen and use the tool of litigation as a final option.

DEMAND MAILINGS

Our extensive mailing program is designed to advise people who have not paid their City of McAllen taxes of their delinquency. During the course of this reporting period, we sent delinquent notices with varying degrees of intensity to the delinquent taxpayer. The intensity of the notice varies on factors such as: time of year, type of property and the particular needs of the jurisdiction.

Nine (9) mailings completed targeting 15,810 accounts representing an average of \$1,244,997 in delinquent taxes, penalties and interest per mailing.

LITIGATION SUMMARY

Filing a lawsuit to collect delinquent taxes is used as a final resort; after diligent efforts to contact and work with taxpayers are fully exhausted. Once the decision to file suit has been made, a complete property title search is conducted, the taxable property is further identified and all interested parties including all lien holders, are identified and served with notice of the lawsuit.

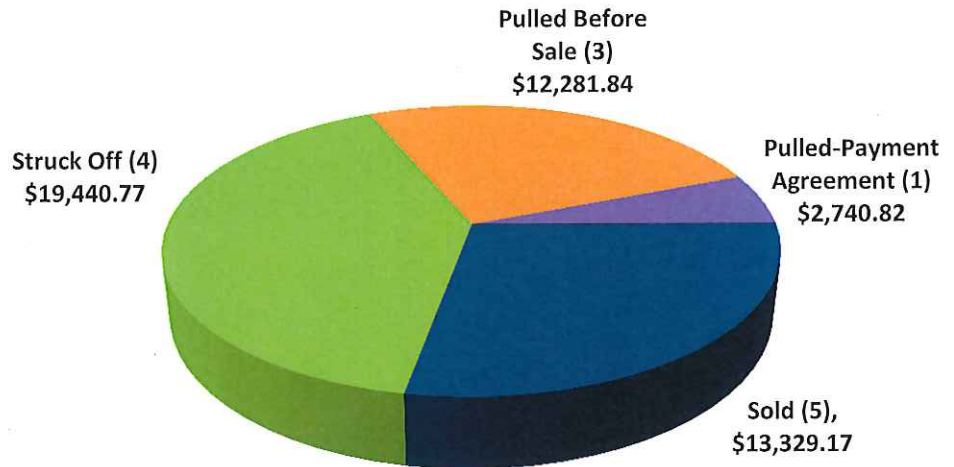
Litigation Activity	Cases	Base, Penalty and Interest
• Lawsuits/Interventions Filed	247	\$331,191
• Tax Warrants	36	\$44,552
• Lawsuits Disposed	187	\$482,891
• Judgments Taken	181	\$308,002
• Pending Litigation as of 11/15/13	393	\$1,215,625

- Taxpayer Contact*
- *Over 410 Personal Contacts*
 - *Over 1,485 Phone Calls*
 - *Over 443 Payoff Requests*

SHERIFF FORECLOSURE PROGRAM

Tax Sale Activity

Our Office regularly monitors all judgments we take on behalf of the City of McAllen. During this reporting period, four (4) tax sales were conducted placing thirteen (13) properties for sale.



In addition, our firm was able to collect **\$9,532.50** in liens on behalf the City of McAllen at no additional cost.

Tax Re-Sale Program

- June 2013—received bids on 7 properties for \$22,802

Tax Resale Program

Our resale program is part of our successful collection program conducted on behalf of the City of McAllen. At our expense, the firm markets these struck-off properties through newspaper advertising, our firm's website (www.lgbs.com), and a mailing list maintained by our office. After marketing the properties, the firm conducts a resale of these properties struck-off throughout the year.

BANKRUPTCY CLAIMS FILED

City of McAllen is represented in all bankruptcies involving a delinquent taxpayer in your jurisdiction. Representation includes filing claims, monitoring the bankruptcy process, attending hearings, engaging in active litigation and doing everything to protect and maximize the City of McAllen's interest. Our program identifies accounts dismissed and discharged from bankruptcy that are now ready for collections or law suit.

All Bankruptcy Filings

Ch.7	22	\$114,647
CH. 11	33	\$192,544
Ch. 13	136	\$58,174
Total	191	\$365,365

Chapter Seven: Complete liquidation of a debtor's non-exempt assets.

Chapter Eleven: This allows a corporation to devise a plan to reorganize its debts and obligations to allow extended repayment of its creditors.

Chapter Thirteen: Entitled "Adjustment of Debts of an Individual with Regular Income," permits a person to retain that amount of earned income necessary for living expenses while paying the court the remainder to be distributed among the individual's creditors to pay off debts on an installment basis.

COLLECTION HIGHLIGHTS

FISCAL YEAR COLLECTION COMPARISON



Source: City of McAllen Tax Office

FUTURE OVERVIEW

Review of Pending Judgments and the Filing of Additional Lawsuits

- During the next quarter we will continue to work pending lawsuits for full payment or payment agreements. We will also continue researching the delinquent tax roll for possible new lawsuits on both real and personal property accounts.
- We will place high priority on top delinquent accounts in litigation for collections.
- We will continue filing lawsuits every month on delinquent accounts owing 2 or more years.

Continued Monitoring of Bankruptcy Accounts

- As a continuation of our standard operating practice, we will actively monitor and verify accounts in bankruptcy for the payment of taxes, penalties, and interest owed to the City.
- Represent the City in court on all bankruptcy matters.

Mailing Program

Scheduled mailings on behalf of the City of McAllen are as follows: October 2013 (Completed) and November 2013 (Completed).

Scheduling of Property Sales

As properties are taken to judgment, they will be reviewed and checked for payment and/or payment agreements. Those judgments with no taxpayer response will be further reviewed and scheduled for possible tax sale.

Execution of the work plan established for the City of McAllen will include the constant monitoring of collection figures in order to adjust resources and enforce the collection of delinquent taxes. Our collection efforts will also include prosecuting pending suits to conclusion, mailing monthly letters, and filing new suits in order to maximize the collection of taxes. We will continue to work closely with you and your administrative staff to provide assistance and advice on all property tax matters, including changes in the law brought about by amendments to the Texas Property Tax Code.

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

5C

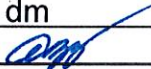
CITY COMMISSION X
 UTILITY BOARD _____
 OTHER _____

AGENDA ITEM _____
 DATE SUBMITTED 11/19/13
 MEETING DATE 11/25/13

1. Agenda Item: Update on Parks and Recreation construction projects.

2. Party Making Request: Parks and Recreation Department
3. Nature of Request: (Brief Overview) Attachments: X Yes No
Monthly update on construction projects within the Parks and Recreation Department.

4. Policy Implication: None
5. Budgeted Information: Yes No X N/A
 Budgeted Amount: _____
 Under Budget: _____
6. Alternate option/costs: NA
7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) S. Gavlik, Director	sg	11-19-13	Yes
b) D. Melaas, Dep.Dir.	dm	11-19-13	Yes
c) B. Branham, Dept. C.M.		<u>11-19-13</u>	<u>yo</u>
8. Staff Recommendation: Staff recommends approval of the report

9. Advisory Board: Approved Disapproved None
10. City Attorney: Approved Disapproved KP None
11. Manager's Recommendation: ABB Approved Disapproved None
12. Action Taken: _____

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR 

Subject: PROJECT UPDATES

Date: NOVEMBER 19, 2013

COMMENT

This month the Parks and Recreation Department will highlight the following projects:

Bicentennial Trail Extension

The contractor currently has local subs working on the project and work is being completed. Trees are being planted and the irrigation is working. All fine grading is being completed and hydro mulch has begun. The shade structures are being installed. .

DeLeon Soccer Fields

The Contractor has begun work on the playing fields, the concession/restroom area is moving forward. The lake compaction is almost complete and the wall around the lake will begin to be installed in December. The parking lot on the west and south side are ready for paving. The fountains are being installed and the additional bleachers have been ordered.

Hidalgo Bridge Landscape Improvements

Department is working with Hidalgo Bridge staff to modify the landscaping so it will fall within the budget allocation.

Morris Park

The Contractor has begun to dig the pond for the irrigation district. The Junior League grant was awarded on November 21st. The exercise equipment and the musical instruments for the site are being ordered

Airport Landscape Plan

Plan is out to bid.

Downtown Park and Ride

Landscape plans are being developed so the project can bid in December.

Nature Park

Design will be completed in December for presentation to the Commission in January.

Memorial Tennis Court Lights

We have the PO and will begin to install lights after the first of the year.

KABOOM – Uvalde Playground

The request to purchase playground through KABOOM will go to the Commission in December.

Golf Course Irrigation

The Reconstruction project started on Monday, September 30, 2013.

It basically consists of replacing: 1,234 sprinklers, approximately 70,000 linear feet of control wire.



8510412210



05/24/2012



05/24/2012



05/24/2012



05/24/2012

















STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 5d
DATE SUBMITTED 11/19/13
MEETING DATE 11/25/13

1. Agenda Item: Project Status Report through October 31, 2013.

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No

 Project Status Report for September 30, 2013.

4. Policy Implication: City Commission Policy, Local Government Code

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 11/19/13 </u>	<u> N/A </u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u> RJ </u>	<u> 11/19/13 </u>	<u> </u>

8. Staff Recommendation: Project Status through October 31, 2013.


9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved KP None

11. Manager's Recommendation: ABB Approved Disapproved None



**ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Yvette Barrera, PE, CFM, City Engineer 
Date: November 18, 2013
Subject: Project Status Report through October 31, 2013

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through October 31, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. McAllen Development Center
3. Retiree Haven Stormwater Improvements
4. Kendlewood Drainage Improvements
5. Firemans Park Lake Liner Improvements

Construction Status Report for work performed through October 31, 2013

1) Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line

Project consists of paving infrastructure improvements along the future widening of Bentsen Road, connection of Vine Ave across the corridor, widening of Daffodil to 46th Street and local drainage improvements.

Contractor:	IOC Company, LLC	
Original Contract:	\$ 4,879,306.99	160 working days
Change Orders:	\$ 459,625.90	91 working days
Revised Contract:	\$ 5,338,932.89	251 working days
Completion Date:	June 4, 2013	

Construction Status: Construction is about complete with punch list items pending. Sidewalks, driveway installation and seeding green area are complete. All intersections are open. Contractor completed paving and final striping. The project is approximately 99% complete and liquidated damages will be assessed for work beyond the contract time. Contractor is currently behind schedule with punch list items and final reconciliation pending.

Paving	99% Complete
Drainage	99% Complete
Utilities	100% Complete



Project limits of Bentsen Road Paving Improvements.



Paving with final striping complete looking northbound from Daffodil.

2) Development Services Center

This project consists of renovation work including upgrades to meet the new IBC codes, architectural finishes, M.E.P. and special systems. The remodeled building will accommodate the tax office, environmental code compliance, engineering, planning, inspections and public utility departments. It will also have two new additions that will accommodate bathrooms and conference spaces. It incorporates partial demolition work and, interior partition walls. Asbestos abatement and limited general demolition have already occurred.

- Construction Company:** Peacock General Contractors, Inc.
- Contract:** \$2,005,197.00
- Completion Date:** November 23, 2013
- Contract Time:** 160 working days

Construction Status: The renovation portion of this project is about 90% complete. Carpet and Floor tile are in. The air conditioning system is operational throughout. Interior mill work is complete and currently working on the granite top installation. Drop ceiling placement continues throughout.



2nd Executive Office – MPU



Conference Room Yard Enclosure



Curved Counter In Front Of Inspections



Engineering Front Reception Counter



Granit Counter located at the Tax Office Area

3) Retiree Haven Stormwater Improvements

SCOPE OF WORK: The project involves excavation of two ponds within the central portion of the subdivision; construction of a network of pipes and inlets within the existing roadways to collect the stormwater runoff and direct it to one of the two proposed dry detention ponds; construction of a stormwater pump station to be located on the south side of the southernmost dry detention pond; construction of a force main discharge pipe to run from the stormwater pump station south along the west side of S. 10th Street and discharging into the pilot channel within the floodway. This portion of the project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding. Additional work includes off-site water improvements funded by MPU and off-site drainage improvements funded by developer contributions.

CONTRACTOR: 2GS, LLC.

Original Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Change Orders: \$ 0.00 0 working days

Current Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Date of Completion: February 17, 2014 (base bid) and June 20, 2014 (alternate item).

CONSTRUCTION STATUS: Construction commenced on July 12, 2013. All drainage improvements internal to the subdivision have been completed. Excavation and rough grading of internal streets has commenced. Off-site improvements on temporary hold pending issuance of permits from Corps of Engineers and IBWC. IBWC required changes to the plans for work within the floodway.

EXHIBITS & PHOTOS:



4) Kendlewood Drainage Improvements

This project consist of installing storm sewer infrastructure in the area bounded by Kendlewood Ave to Hackberry Ave and 22 ½ St to 20th St. The project is being funded by CDBG funds and aims to relieve ponding and flooding issues experienced in the area by extending a storm sewer trunkline and installing inlets at various locations throughout the project area. The construction will be split into three phases by location: Hackberry Ave, 21st Street, Kendlewood Ave.

Construction Company: OG Construction
Contract: \$488,477.00
Completion Date: December 20, 2013
Contract Time: 112 working days

Construction Status: The project experienced a setback on November 4, when an 8” waterline broke. The contractor will require additional time and compensation to re-compact the trench along Kendlewood and along 21st St.; a separate agenda item was submitted for these additional changes. All storm sewer and related structures have been installed. The contractor is pending corrective action due to the waterline break and paving of the trench.



Area to be re-worked due to trench failure from waterline break

Storm sewer already installed



Top: Map of contractor's progress.
Left: Damage caused by waterline break at 22nd and Kendlewood.
Right: Damage caused by waterline break at 21st and Kendlewood.

5) **Firemans Park Lake Liner Improvements**

SCOPE OF WORK: The project includes re-construction of an existing lake to install a clay liner with a low permeability rate and reduce the exfiltration of water from the lake into the surrounding environment.

CONTRACTOR: Rovan Texas LLC.

Original Contract:	\$ 212,512.18	30 working days
Change Orders:	\$ 0.00	13 working days (CO#1)
Current Contract:	\$ 212,512.18	43 working days
Date of Completion:	October 2, 2013	October 21, 2013

CONSTRUCTION STATUS: Construction commenced on August 21, 2013. Project was substantially complete on October 21, 2013. Lake filling operations commenced on October 21st and lake was full on November 2nd. Contractor to install additional sod between existing grass line and new design water elevation line. City geotech consultant will continue weekly monitoring of water table elevations outside the lake.

EXHIBITS & PHOTOS:



CITY OF MCALLEN
STANDARD RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 5E </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 11/18/13 </u>
PLANNING & ZONING COMMISSION	<u> </u>	MEETING DATE	<u> 11/25/13 </u>
OTHER	<u> </u>		

1. Agenda Item: Construction Update for Terminal Expansion Project

2. Party Making Request: DEPARTMENT OF AVIATION

3. Nature of Request: (Brief Overview) Attachments: X Yes No

4. Policy Implication:

5. Budgeted:	<u> </u> YES	<u> </u> NO	<u> X </u> N/A
FUND:	<u> </u>	Budgeted Amount:	<u> </u>
Bid Amount:	<u> \$ </u>	Over Budget:	<u> \$ </u>
Under Budget:	<u> \$ </u>	Amount Remaining:	<u> \$ </u>

If over budget, how will it be paid:

6. Alternate option/costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
Brent Branham, Deputy City Manager	<u> ABB </u>	<u> 11/19/13 </u>	<u> YES </u>

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved X None

10. City Attorney: Approved Disapproved KP None

11. Manager's Recommendation: Approved Disapproved ABB None

12. Action Taken: _____

Airport Construction Status Report through November 25, 2013

Terminal Expansion Project

The Project is the expansion of the existing terminal and ramp at the McAllen Miller International Airport. It consists of adding approximately 55,000 square feet of new terminal, renovation of approximately 40,000 square feet of terminal, addition of a new passenger boarding bridge, a new and expanded baggage handling facility for outbound baggage, and upgrades to the airport central plant equipment and infrastructure.

Contractor:	Don Krueger Construction Company, Inc.	
Original Contract:	\$18,879,500	713 calendar days
Change Orders:	\$ 599,485	42 calendar days
Revised Contract:	\$19,478,985	755 calendar days
Completion Date:	April 20, 2014	

Project Finance Summary

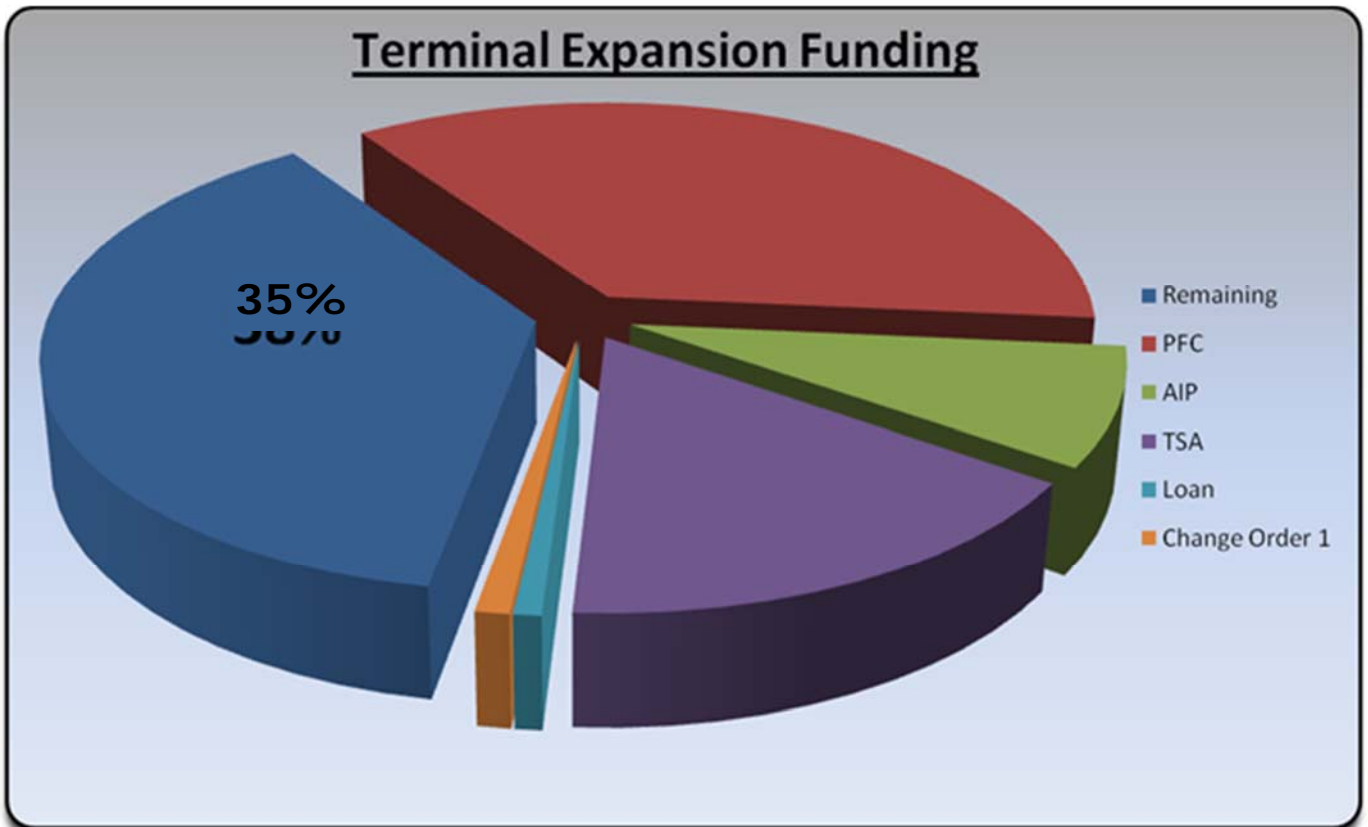
Used to Date \$ 12,704,231

Remaining \$ 6,774,754

Funding Sources:

PFC	\$ 6,976,075
AIP 42	\$ 1,577,381
TSA	\$ 3,172,911
Inter Department Loan	\$ 153,332
Retainage	\$ 635,212
Operating	\$ 189,321**

**Change Order #1 (Improvements to Cargo Ramp) Reimbursable through AIP 43



Construction Status:

The project continues as the sheathing is installed on the exterior of the new terminal addition. The final layer of the roofing to the terminal addition is being installed. HVAC ductwork, electrical, data, ceiling frame work and metal stud framing for furr downs continue on the upper level. Pre-security concessions are complete and in operation. Design on post-security retail and concessions are complete. Work has commenced within the TSA checkpoint area as the demising wall is completed. Ceiling work within the existing terminal is also complete. The baggage handling building continues to progress as the electrical systems and motors are connected to the baggage conveyor belt systems and interior walls are painted. Project time and budget metrics:

Percent of Project Complete (Time) 80%

Percent of Project Complete (Budget) 65%

The Project, through coordination with staff and contractor, is currently looking to get back on schedule for completion in April 2014.

Overview of Terminal Expansion



Demolition work for future TSA offices within the Terminal Expansion



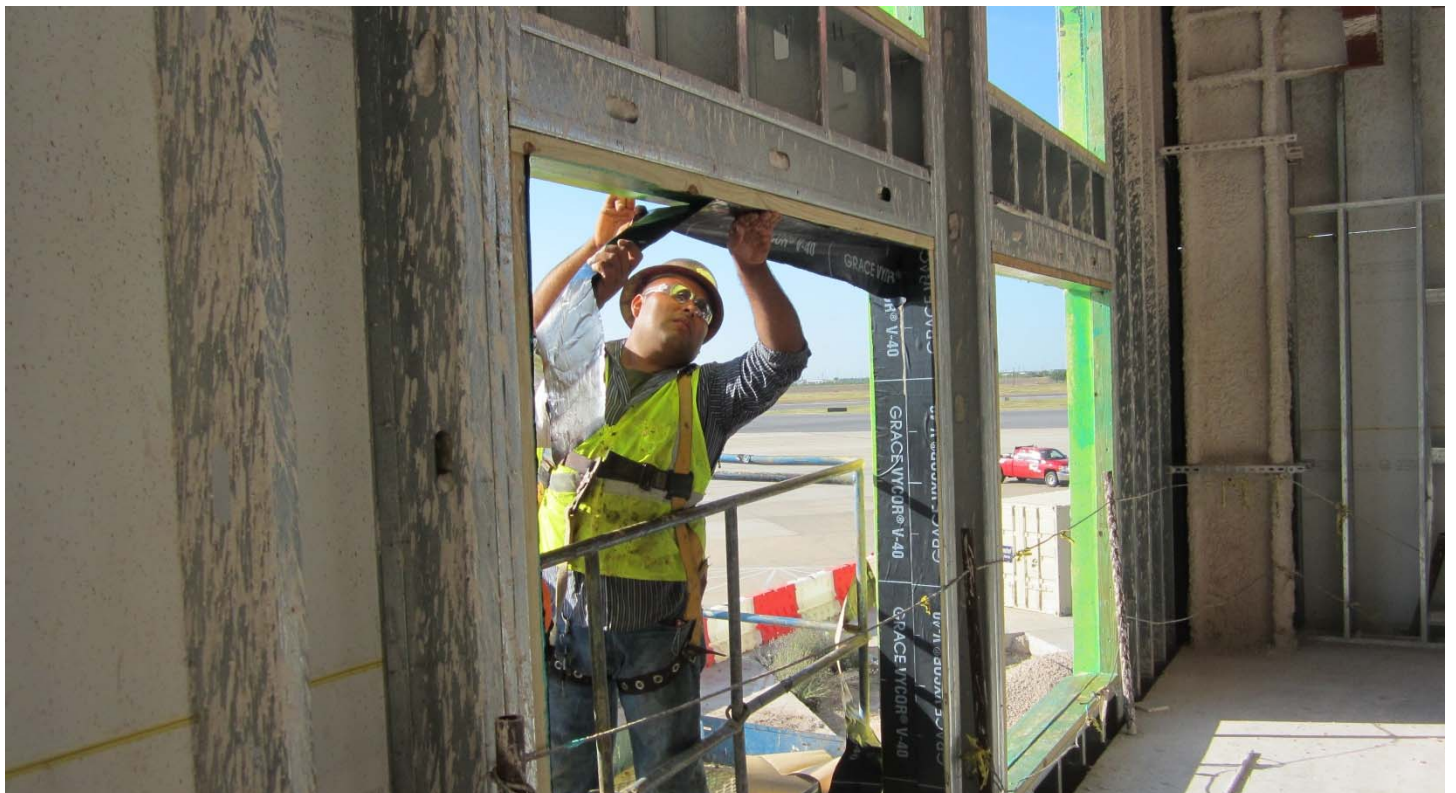
Interior wall construction at upper level of Terminal Expansion



Installation of ceiling grid at upper level Terminal Expansion



Installation of window opening treatments at east side upper level Terminal Expansion



Installation of barrel ceiling at upper level Terminal Expansion



Pre-security concession area within the Terminal Expansion



Installation of sheathing of exterior on south end of Terminal Expansion



Conveyor wall opening at the Baggage Handling Building



Insulation preparation for exterior EIFS at the Baggage Handling Building



Conveyor lines with new TSA security equipment at Baggage Handling Building



**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 5F
DATE SUBMITTED 11/19/2013
MEETING DATE 11/25/2013

1. **Agenda Item:** Manager's Report

2. **Party Making Request:** Planning Department

3. **Nature of Request: (Brief Overview):** X Yes No
 Subdivision Development Monthly Report - October 2013

4. **Policy Implication:** Local Government Code, Subdivision Ordinance

5. **Budgeted:** Yes No X N/A

Bid Amount: Budgeted Amount:
Under Budget: Over Budget:

Amount Remaining:

If over budget how will it be paid for:

6. **Alternate option/costs:**

7. **Routing:**

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) <u>Julianne R. Rankin, FAICP</u> Julianne R. Rankin, Planning Director	<u>JRR</u>	<u>11/19/13</u>	<u>N/A</u>

8. **Staff's Recommendation:** Subdivision Development October 2013

9. **Advisory Board:** Approved Disapproved None

10. **City Attorney:** Approved Disapproved KP None

11. **Manager's Recommendation:** AB Approved Disapproved None

Planning Department

Memo

TO: Mike R. Perez, City Manager

FROM: Julianne R. Rankin, Planning Director

DATE: November 19, 2013

SUBJECT: Subdivision Development Monthly Report: October 2013

New Subdivisions:

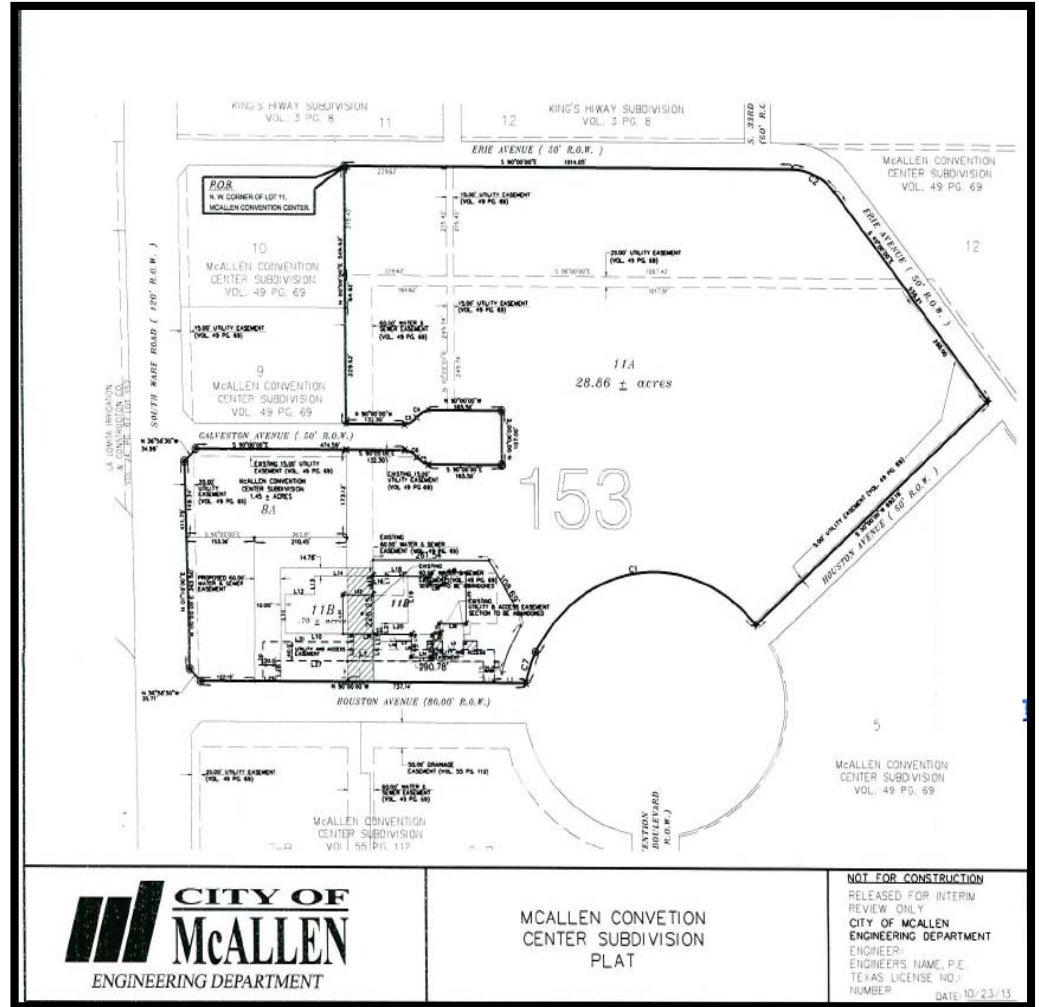
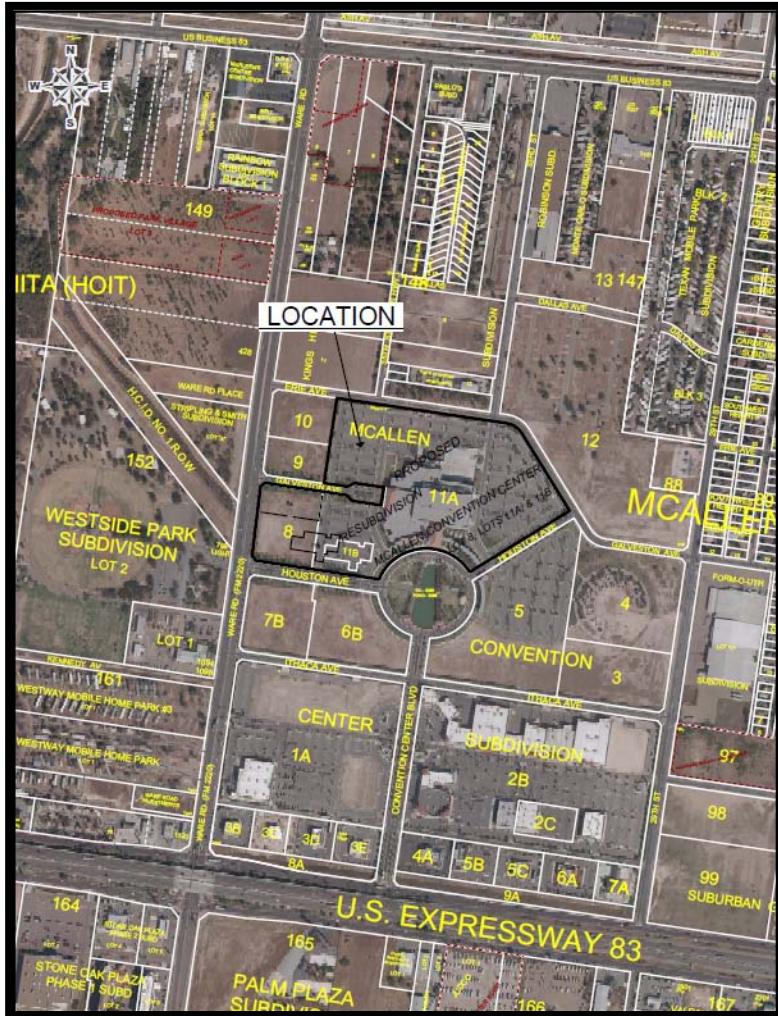
Name	Zoning	Type of Development	Number of lots	Acres
1. McAllen Convention Center Lots 8, 11A, and 11B Subdivision	C-3	Commercial	3	28.86
2. Bilbao Subdivision	R-1	Residential	3	2.76
3. Cantabria Subdivision	R-1	Residential	5	5.182
4. North Ware Center Subdivision	C-3	Commercial	1	1.815
5. Hidden Cove Subdivision	R-1	Residential	30	9.0
6. La Hacienda Estates Lot 3-A Subdivision	R-1	Multifamily Residential	1	.30

Subdivisions Recorded:

Name	Zoning	Type of Development	Number of lots	Acres
1. Villagio Phase II-A Subdivision (Vacate and Replat)	R-1 & R3T	Residential/Residential Townhouse	74	9.416

McALLEN CONVENTION CENTER LOTS 8, 11A AND 11B SUBDIVISION

3 LOT COMMERCIAL – 28.86 ACRES

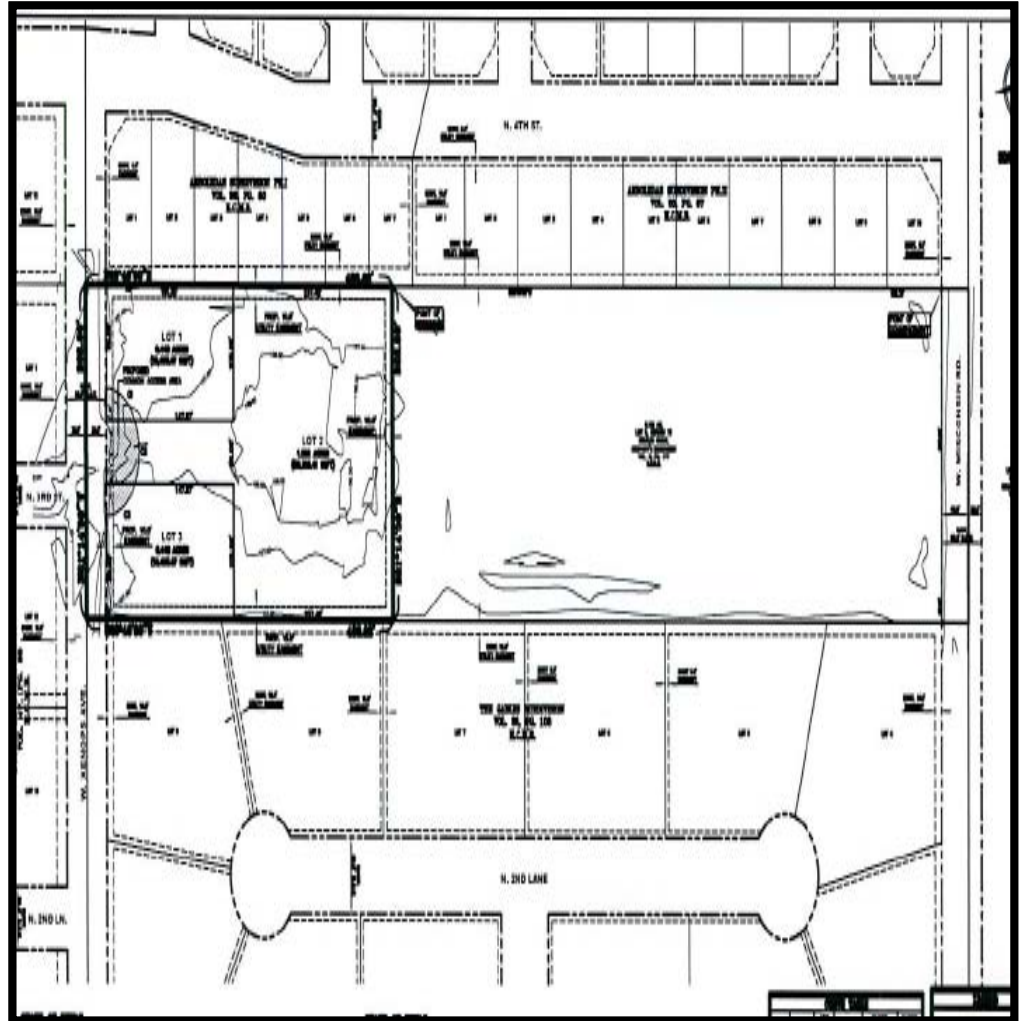
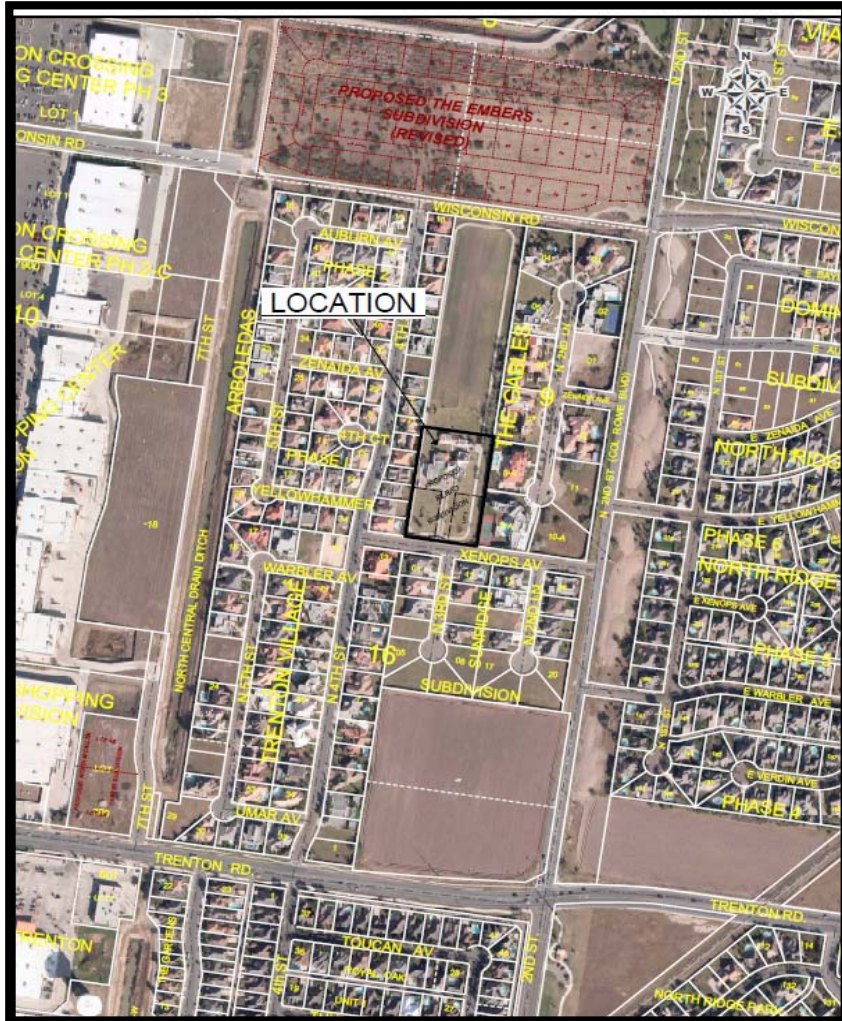


CITY OF MCALEN
ENGINEERING DEPARTMENT

MCALEN CONVENTION CENTER SUBDIVISION PLAT

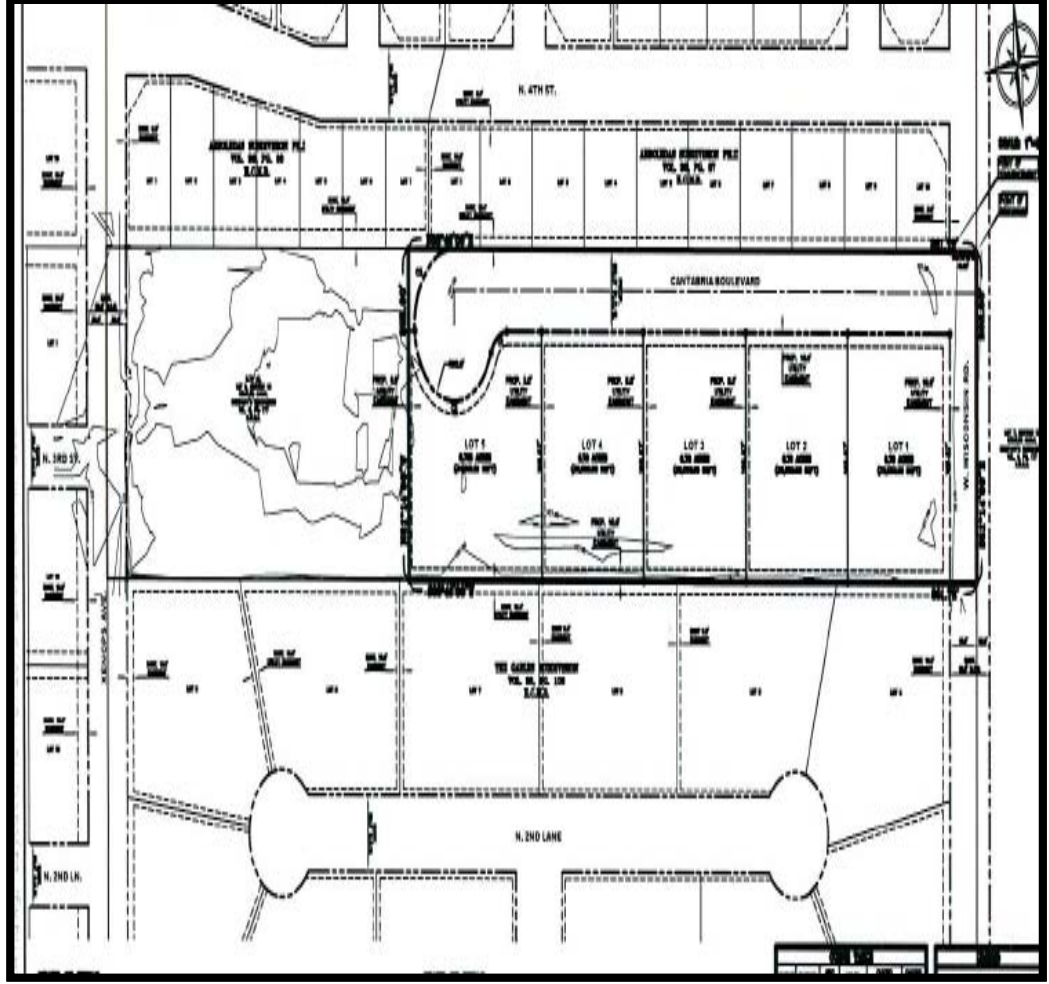
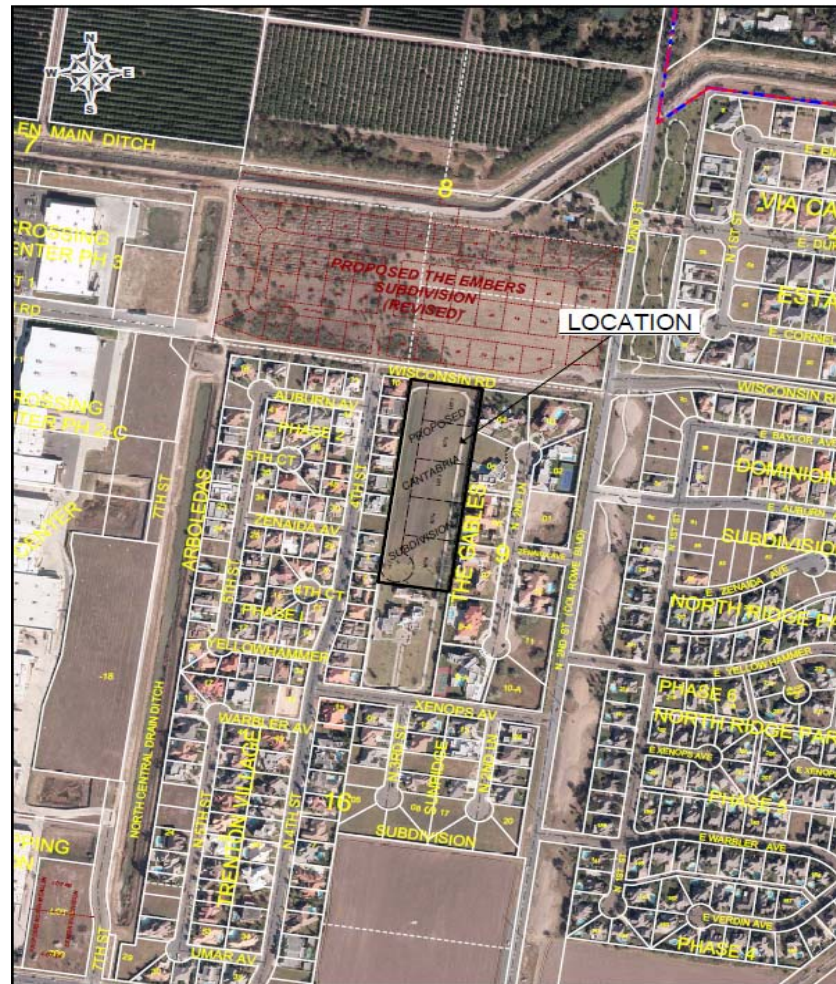
BILBAO SUBDIVISION

3 LOT RESIDENTIAL – 2.76 ACRES



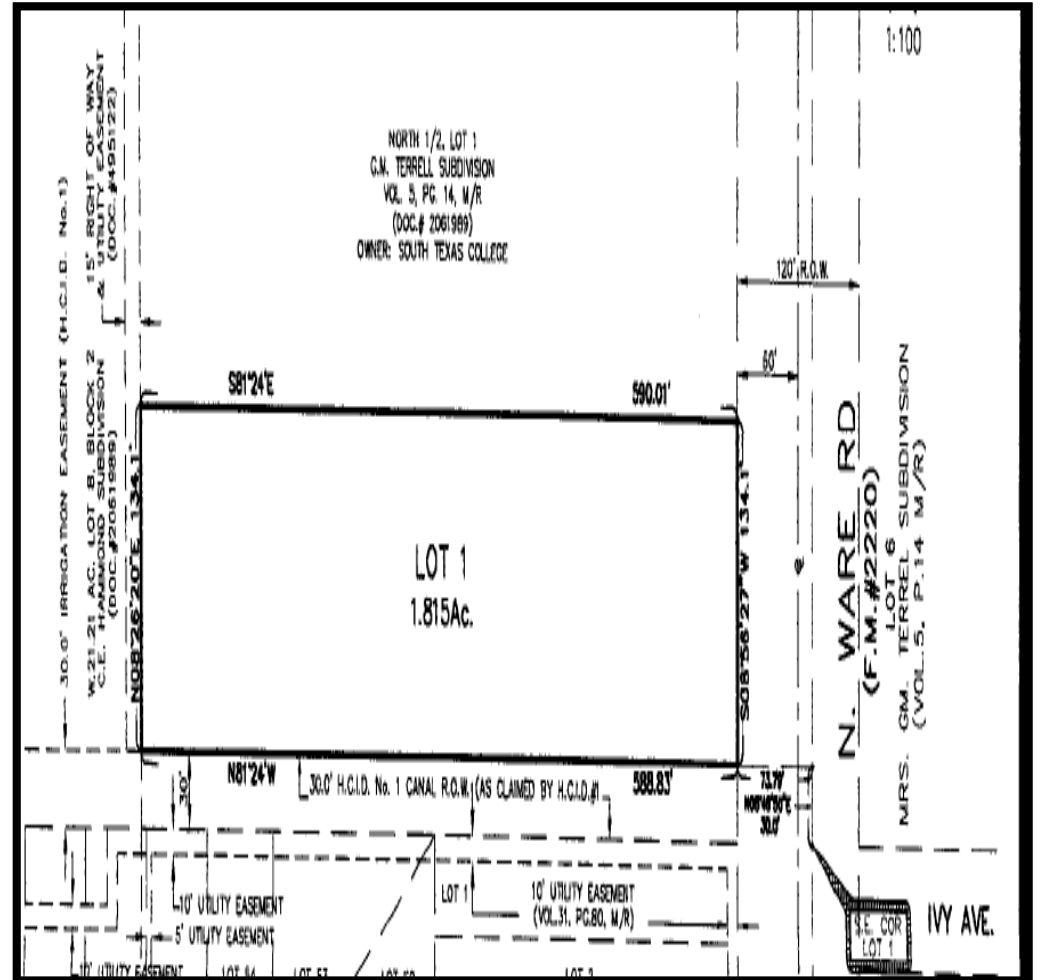
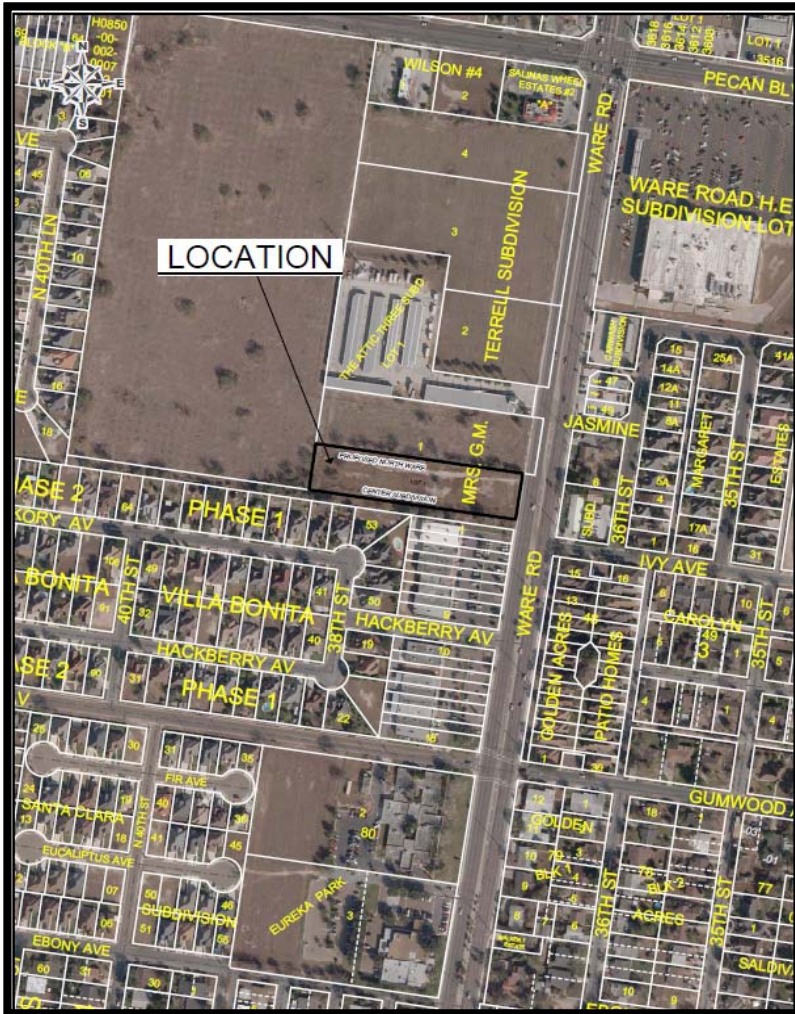
CANTABRIA SUBDIVISION

5 LOT RESIDENTIAL – 5.182 ACRES

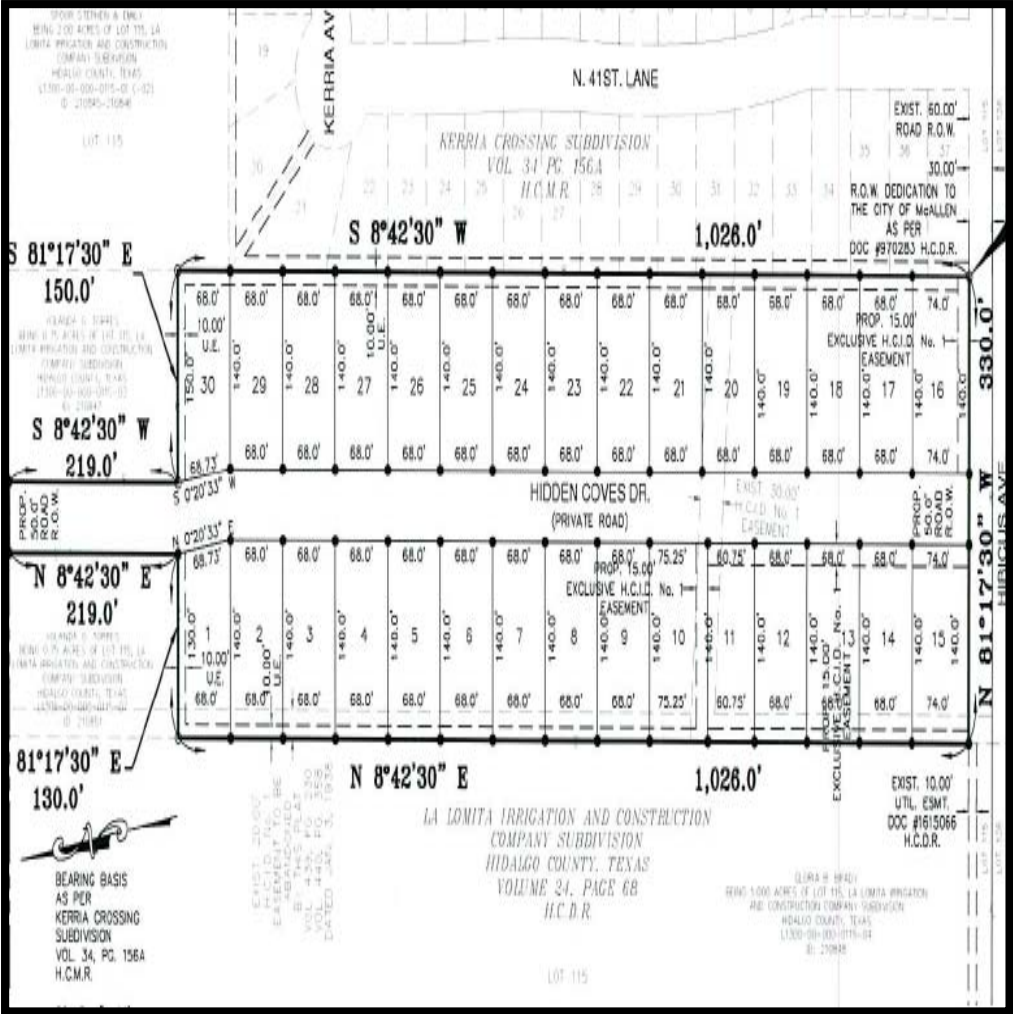
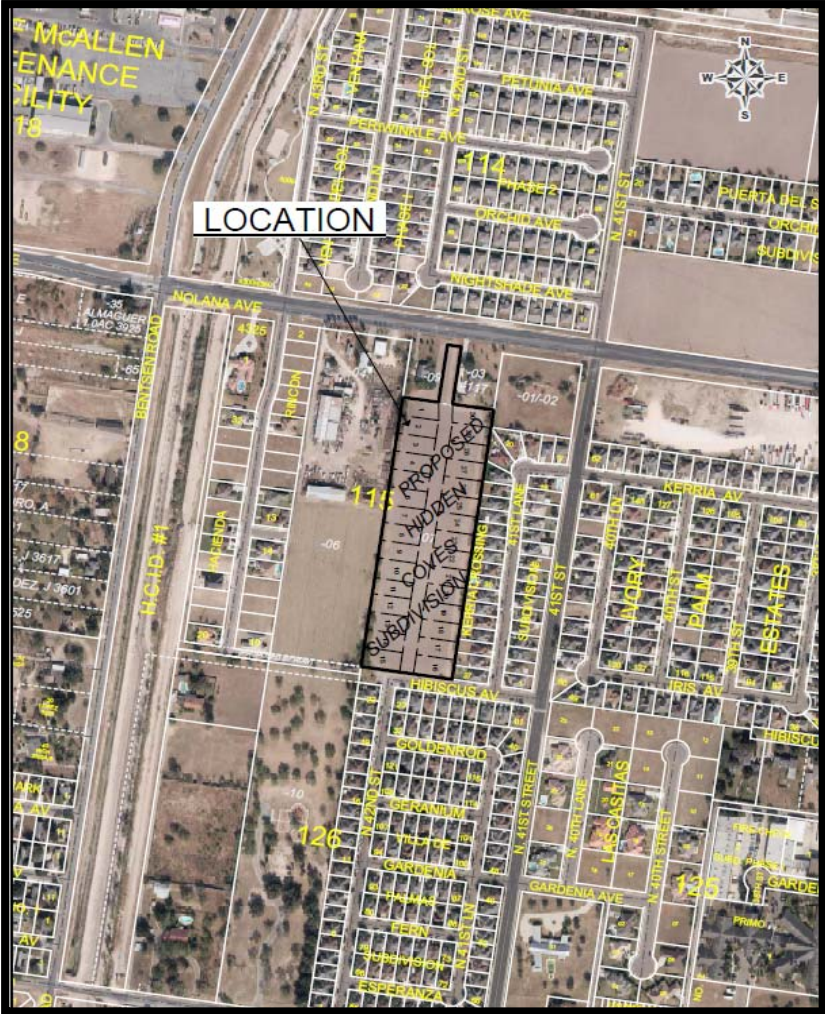


NORTH WARE CENTER SUBDIVISION

1 LOT COMMERCIAL- 1.815 ACRES

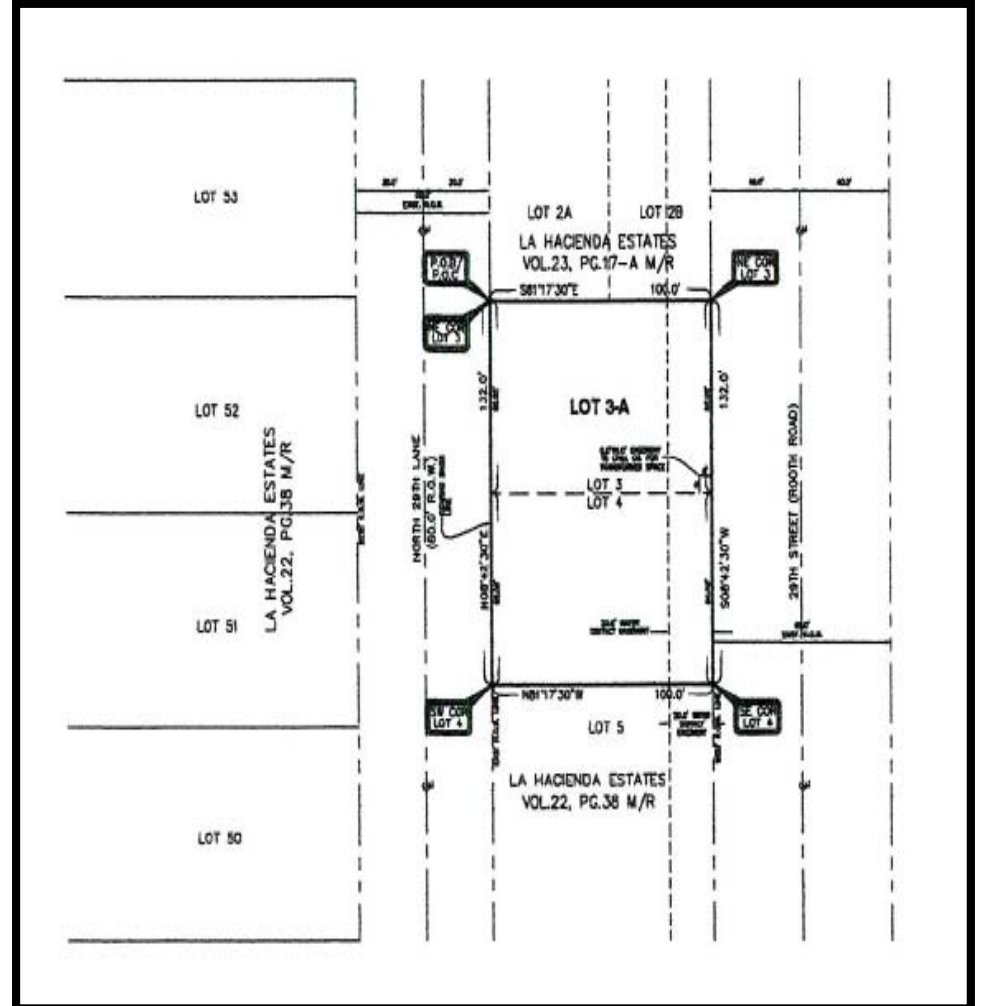
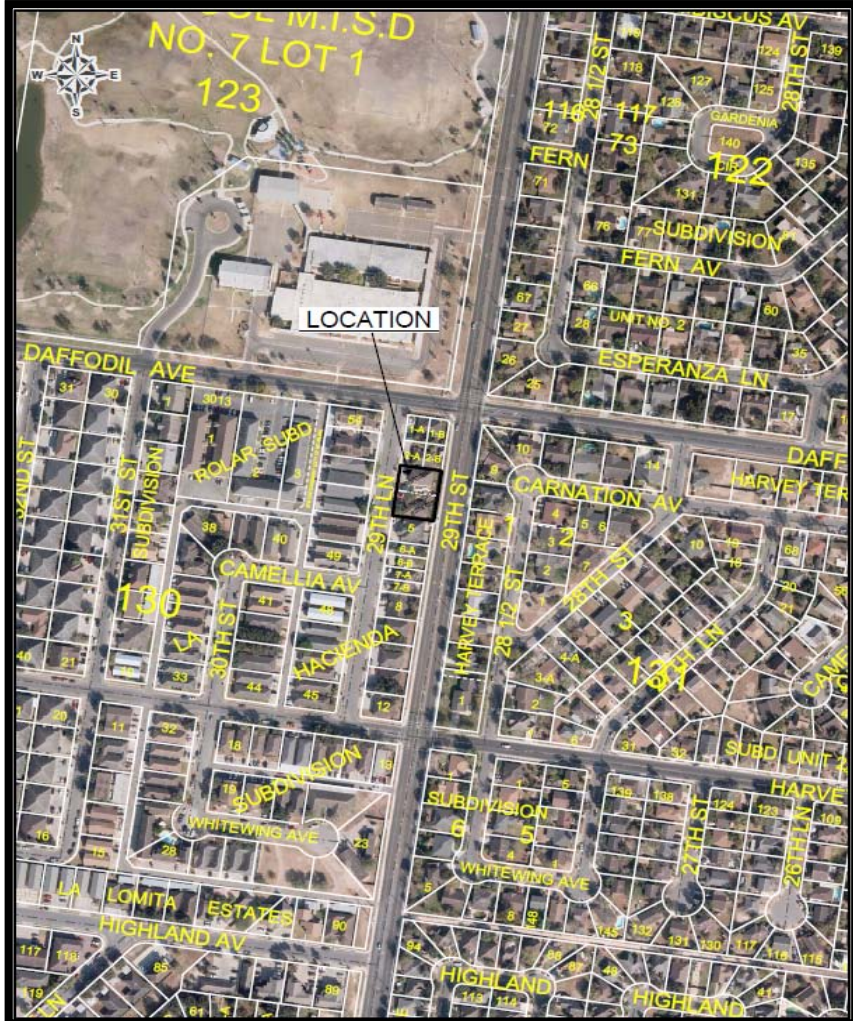


HIDDEN COVE SUBDIVISION 30 LOT RESIDENTIAL- 9.0 ACRES



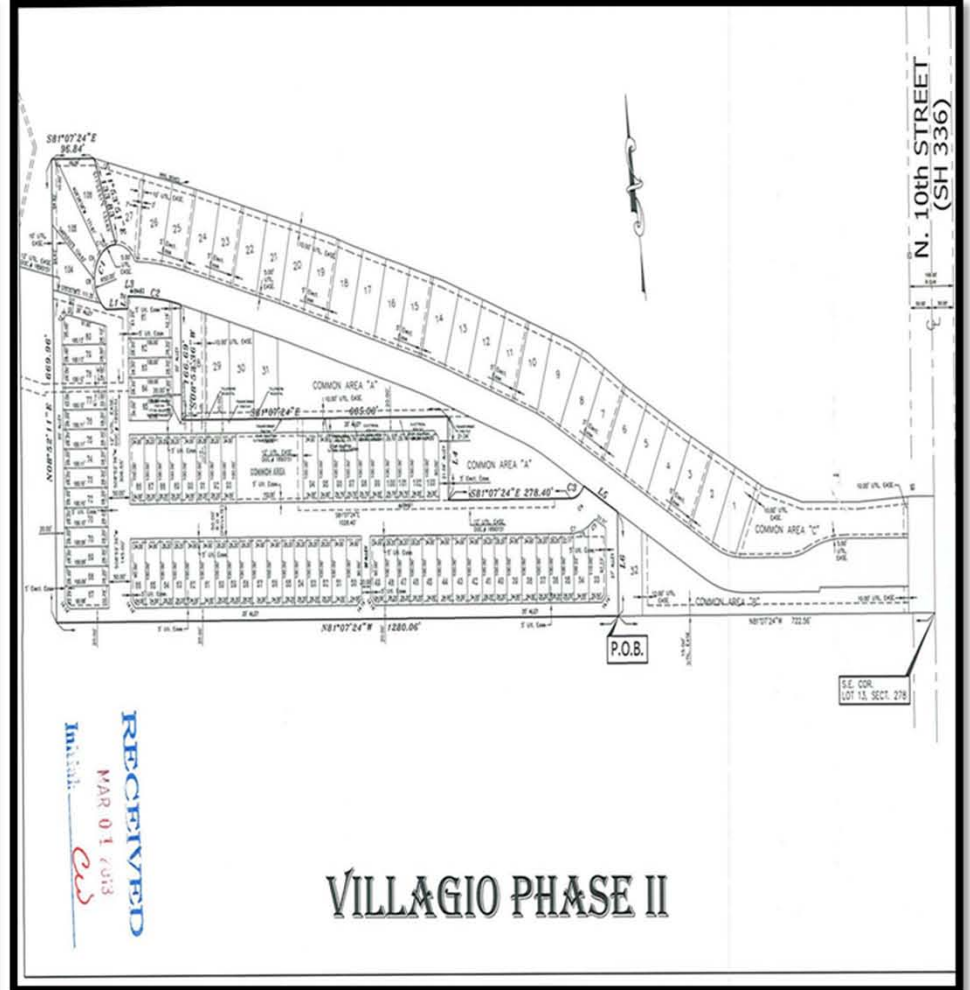
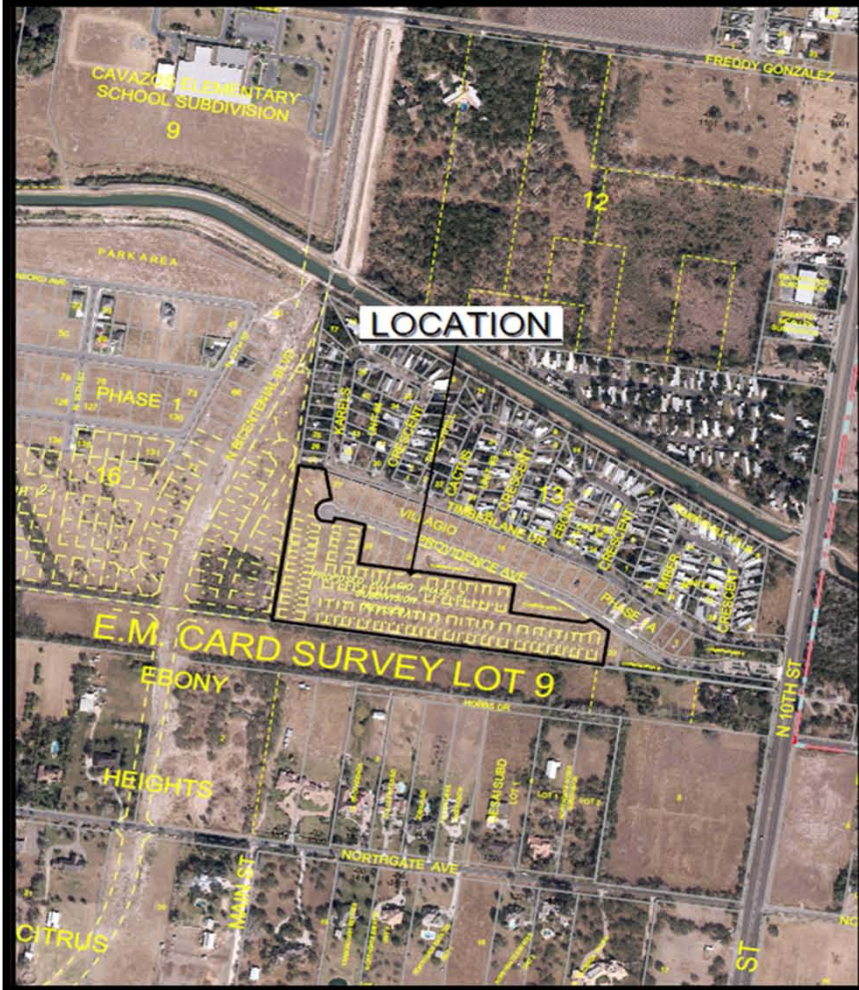
LA HACIENDA ESTATES LOT 3-A SUBDIVISION

1 LOT MULTIFAMILY RESIDENTIAL – 0.30 ACRES



VILLAGIO PHASE II SUBDIVISION

74 LOT RESIDENTIAL – 9.416 ACRES



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
ADVISORY BOARD _____

AGENDA ITEM 5G
DATE SUBMITTED 11/14/13
MEETING DATE 11/25/13

1. Agenda Item: **BUDGET RECLASSIFICATION of \$300,000 from the Development Corporation of McAllen, Inc. for various City projects.**

2. Party Making Request: City Manager's Office

3. Nature of Request: (Brief Overview) Attachments: X Yes No

The \$300,000 was initially budgeted for Palm Bowl expenses; however, the City was not awarded bid. Seeking consideration and approval of Budget Reclassification for various City projects as follows: McAllen Veteran's Memorial Stadium Concert (\$50,000), Fédération Internationale de Football Association (FIFA) World Cup Public Viewing (\$76,500), City of McAllen Marketing App (\$70,600), The Retail Coach (\$52,500), Quinta Mazatlan Nature Tourism and Marketing Plan (\$25,400), Houston Dynamos Exhibition Game (\$15,000), and Palm Bowl Application Expenses (\$10,000). The Development Corporation of McAllen, Inc. approved the reallocation of these funds to said projects at their Regular Meeting held on Monday, November 18, 2013.

4. Policy Implication: City Commission Policy, Local Government Code.

5. Budgeted: X Yes No N/A

Funding Source:

See Budget Reclassification attached

6. Alternate Option/Costs: N/A

7. Routing:

NAME/TITLE INITIAL DATE CONCURRENCE

a.) Jerry Dale, CPA, Finance Director _____

8. Staff Recommendation: Budget Reclassification in the amount of \$300,000 to reallocate funding for various City projects as outlined.

9. Advisory Board: X Approved Disapproved None
Development Corporation of McAllen, Inc.

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: ABB Approved Disapproved None

**CITY OF McALLEN
BUDGET RECLASSIFICATION**

REF.NO. _____
To be assigned by Finance Dept.

FUND: Development Corporation of McAllen, Inc.

DEPARTMENT: City Manager's Office

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Beginning/Revised Budget	Addition	Deletion	Revised Budget
110	8702	466	66.99	NP1403	Palm Bowl	\$300,000		\$300,000	\$ -
110	8702	466	66.99	Pending	McAllen Veteran's Memorial Stadium Concert	\$0	\$50,000		\$ 50,000
110	8702	466	66.99	Pending	Fédération Internationale de Football Association (FIFA) World Cup Public Viewing	\$0	\$76,500		\$ 76,500
110	8702	416	66.99	Pending	City of McAllen Marketing App	\$0	\$70,600		\$ 70,600
110	8702	416	66.99	Pending	The Retail Coach	\$0	\$52,500		\$ 52,500
110	8702	466	66.99	Pending	Quinta Mazatlan Nature Tourism and Marketing Plan	\$0	\$25,400		\$ 25,400
110	8702	466	66.99	Pending	Houston Dynamos Exhibition Game	\$0	\$15,000		\$ 15,000
110	8702	466	66.99	Pending	Palm Bowl Application Expenses	\$0	\$10,000		\$ 10,000
TOTALS						\$300,000	\$300,000	\$300,000	\$300,000

(Round up all amounts to the nearest hundred dollars)

<p>Justification: A total of \$300,000 was initially budgeted for Palm Bowl expenses, however, the City of McAllen was not awarded bid. Reclassification of \$300,000 for various projects as outlined.</p>	Department Head Approval	
	Signature	Date
	Finance Department	
	Signature	Date
	City Manager's approval is necessary for transfers to purchase Capital Outlay.	
	City Manager	
	Signature	Date

NOTICE OF A REGULAR MEETING TO BE HELD BY THE DEVELOPMENT CORPORATION OF McALLEN, INC.

DATE: Monday, November 18, 2013

TIME: 4:00 P.M.

PLACE: McAllen City Hall

City Commission Room, 3rd Floor

SUBJECT MATTERS:

CALL TO ORDER

1. Approval of Minutes for a regular meeting on Monday, September 16, 2013
2. Receive and File Financial Report for twelve months ending September 30, 2013
3. Review and approval of investment report for quarter ending June 30, 2013
4. Conduct Public Hearing for designing, acquiring, improving, and operating projects for "McAllen Veteran's Memorial Stadium Concert", "Fédération Internationale de Football Association (FIFA) World Cup Public Viewing", "City of McAllen Marketing App", "The Retail Coach", "Quinta Mazatlan Nature Tourism and Marketing Plan", "Houston Dynamos Exhibition Game", and "Palm Bowl Application Expenses".

IF ACCOMMODATIONS FOR DISABILITY ARE REQUIRED, NOTIFY THE CITY MANAGER'S OFFICE AT 956-681-1004 PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE DEVELOPMENT CORPORATION BOARD MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

CERTIFICATION

I, the Undersigned authority, do hereby certify that the attached agenda of meeting of the Development Corporation of McAllen, Inc. is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 15th day of **November 2013** at **3:00 p.m.** and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Virginia L. Singleterry
Administrative Assistant

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION _____
UTILITY BOARD _____
DEVELOPMENT CORPORATION
OTHER _____

AGENDA ITEM 4
DATE SUBMITTED 11/15/13
MEETING DATE 11/18/13

1. Agenda Item: Conduct Public Hearing for designing, acquiring, improving, and operating projects for "McAllen Veteran's Memorial Stadium Concert", "Fédération Internationale de Football Association (FIFA) World Cup Public Viewing", "City of McAllen Marketing App", "The Retail Coach", "Quinta Mazatlan Nature Tourism and Marketing Plan", "Houston Dynamos Exhibition Game", and "Palm Bowl Application Expenses".

2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration

3. Nature of Request: (Brief Overview) Attachments: X Yes ___ No

4. Policy Implication: _____

5. Budgeted: ___ Yes ___ No ___ N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate option costs: _____

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u>	<u>YES/NO</u>
-------------------	-----------------	-------------	--------------------	---------------

a) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. City Attorney: _____ Approved _____ Disapproved _____ None

11. Manager's Recommendation: ABB Approved _____ Disapproved _____ None

Development Corporation of McAllen, Inc.
Reprogramming of \$300,000

1	McAllen Veteran's Memorial Stadium Concert	\$50,000
2	Fédération Internationale de Football Association (FIFA) World Cup Public Viewing	\$76,500
3	City of McAllen Marketing App	\$70,600
4	The Retail Coach	\$52,500
5	Quinta Mazatlan Nature Tourism and Marketing Plan	\$25,400
6	Houston Dynamos Exhibition Game	\$15,000
7	Palm Bowl Application Expenses	\$10,000
Total Project Amount		\$300,000

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

McAllen Veteran's Memorial Stadium Concert

Requesting Amount: \$50,000



McAllen
CONVENTION CENTER
enrich your senses.™

Inter-office

MEMORANDUM

City of McAllen

**TO: DEVELOPMENT CORPORATION OF MCALLEN, INC.
BRENT BRANHAM, ACTING CITY MANAGER**

FROM: OMAR RODRIGUEZ, DIRECTOR

SUBJECT: STADIUM CONCERT

DATE: NOVEMBER 11, 2013

The City has entered into an agreement with the McAllen Independent School District to utilize McAllen Veteran's Memorial Stadium for non-school activities that would benefit the quality of life in our community.

The Convention Center has been tasked to promote this venue to concert promoters and explore the viability of stadium for this market. While the stadium's capacity of 13,500 is attractive, there is considerable risk a promoter will have at stake to produce an event of this magnitude, as well as expenses, not normally realized at other venues.

To reduce this financial risk, we propose to provide seed money towards the expense of the producing a concert at the stadium, which may include the cost of rental equipment (generators/stage/seating), field protection, police/security, staffing/labor, etc. These funds would be negotiated on a per event basis, with promoters.

Funds Requested

\$50,000

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

**Fédération Internationale de
Football Association (FIFA) World Cup Public Viewing**

Requesting Amount: \$76,500



McAllen
CONVENTION CENTER
enrich your senses.™

Inter-office

MEMORANDUM

City of McAllen

**TO: DEVELOPMENT CORPORATION
BRENT BRANHAM, ACTING CITY MANAGER**

FROM: OMAR RODRIGUEZ, DIRECTOR

**SUBJECT: FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA)
WORLD CUP – PUBLIC VIEWING**

DATE: NOVEMBER 11, 2013

The Convention Center has applied with Fédération Internationale de Football Association (FIFA) to be a public viewing site for the 2014 FIFA World Cup – Brazil. This license allows for the City to present all 64 games being televised for the public to view.

We propose to set up a large LED screen at the bandstand in Oval Park and display all televised games to the public for free. Opening ceremonies will be televised on June 12th with the final championship game being played on July 13th. The license requires that all televised games be presented at the public viewing event (25 days total).

This license allows the holder to solicit FIFA sponsors and partners as well as local sponsors with FIFA's approval.

This event will be marketed as a destination event and promoted through our region and Mexico to increase day trip visitors, hotel night stays and shopping in McAllen.

Expected attendance is 20,000 – 25,000 over the duration of the tournament.

Budget:

Expenses

License:	\$ 4,000
Rental of Equipment:	\$60,000
Labor:	\$12,500
Total Expenses:	\$76,500

About Fédération Internationale de Football Association (FIFA) World Cup

The FIFA World Cup™ is the biggest single-event sporting competition in the world and is contested by the senior men's national teams from the 208 Member Associations of FIFA.

The competition has been played every four years since the inaugural tournament in 1930, except in 1942 and 1946 when it was not held because of the Second World War.

It fulfils FIFA's objectives to touch the world, develop the game, and build a better future through a variety of ways.

Tournament format

The current format of the tournament involves 32 teams competing for the title at venues within the host nation(s) over a period of one month – this phase is often called the Final Competition. A qualification phase, the Preliminary Competition which currently takes place over the preceding three years, is used to determine which teams qualify for the tournament together with the host nation(s).

The preliminary competition for the 2014 FIFA World Cup Brazil™ sees a total of 204 entries across six continents competing for 31 available spots. For the last FIFA World Cup, 200 teams played a total of 853 matches as 31 teams qualified for South Africa.

Both the preliminary and final competitions act as a massive promotion for the game of football and for the host nation(s) and are therefore wonderful opportunities to help promote values of respect, fair play and discipline to the watching world.

Understandably, the organisation of such an event is a huge task for FIFA and the Local Organising Committee and is therefore one of the main activities of FIFA over a four-year period.

Facts and figures

The 19 FIFA World Cup tournaments have been won by eight different national teams. Brazil have won five times, and they are the only team to have played in every tournament. The other winners are Italy, with four titles; Germany, with three wins; Argentina and inaugural winners Uruguay, with two; and England, France, and Spain, with one title each.

The FIFA World Cup is the world's most widely viewed sporting event; an estimated 715.1 million people watched the final match of the 2006 FIFA World Cup held in Germany and the 2010 event in South Africa was broadcast to 204 countries on 245 different channels. Inside the stadiums, a total of 3,170,856 spectators attended the 64 matches an average of 49,670 per match and the third highest aggregate attendance behind USA 1994 and Germany 2006.

There were also over six million people who attended public viewing events in 16 sites across the world: ten within South Africa and a further six across the globe in Rome, Paris, Berlin, Sydney, Mexico City and Rio de Janeiro.

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

City of McAllen Marketing App

Requesting Amount: \$70,600

City of McAllen Marketing App

Project Summary

Project includes the development of a mobile app and website using modern technologies and marketing methodologies that will be placed in the iTunes and Google Play store. This app is targeted at Mexican citizens that reside in Mexico and has the following marketing goals:

1. Promote what McAllen has to offer (shopping, events, restaurants, hotels, recreation)
2. Bring Traffic to the City
3. Give Visitors solid reasons to stay
4. Reward Visitors

In addition, this app will target a segmented audience with the use of business intelligence based on age and promotion preferences of the consumer.

Pricing

The total estimated cost of the project is **\$97,365** (spread over a 2-year period). Revenue sharing could bring down the cost, especially in year 2 if they obtain the customer base anticipated. Below is what is projected.

Year 1: Initial Payment \$28,890 + 11 monthly payments @\$1,918 = **\$49,988**

Year 2: 6 monthly payments @ \$5,096 = **\$30,576**

Revenue sharing:

Year 1 – City gets 0%

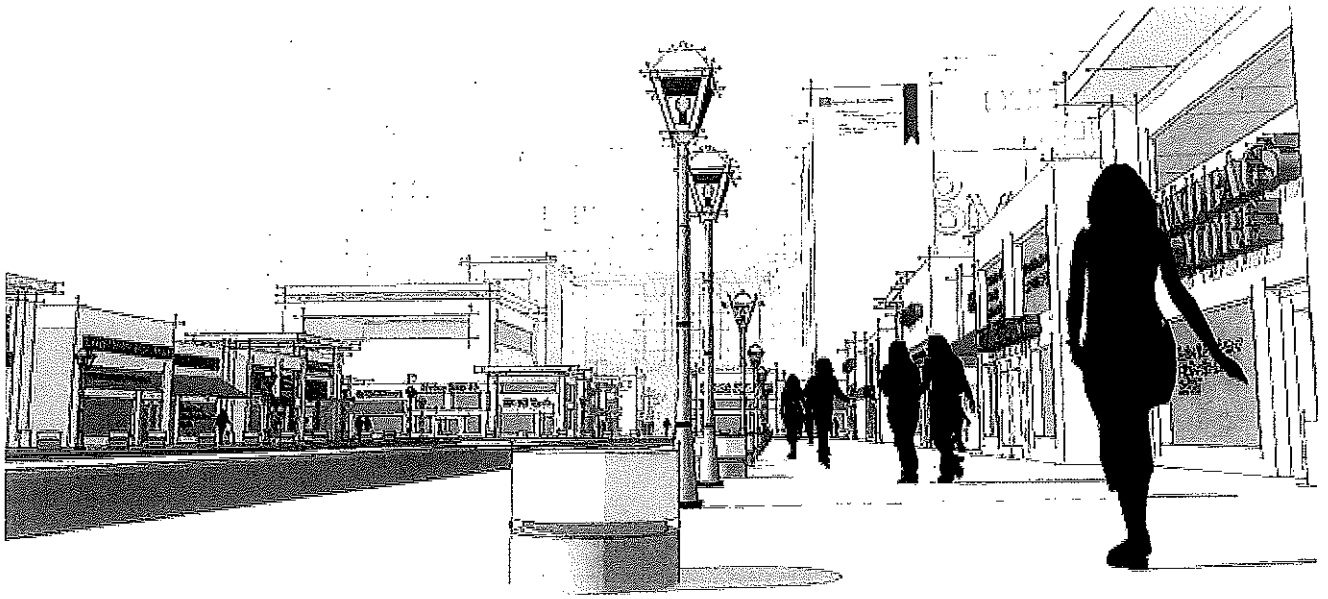
Year 2 – City gets 30%

Year 3 – City gets 20%

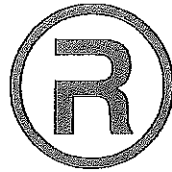
**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

The Retail Coach

Requesting Amount: \$52,500



RETAIL ECONOMIC DEVELOPMENT PLAN



TheRetailCoach®

City of McAllen, Texas

May 29, 2013

The Retail Coach

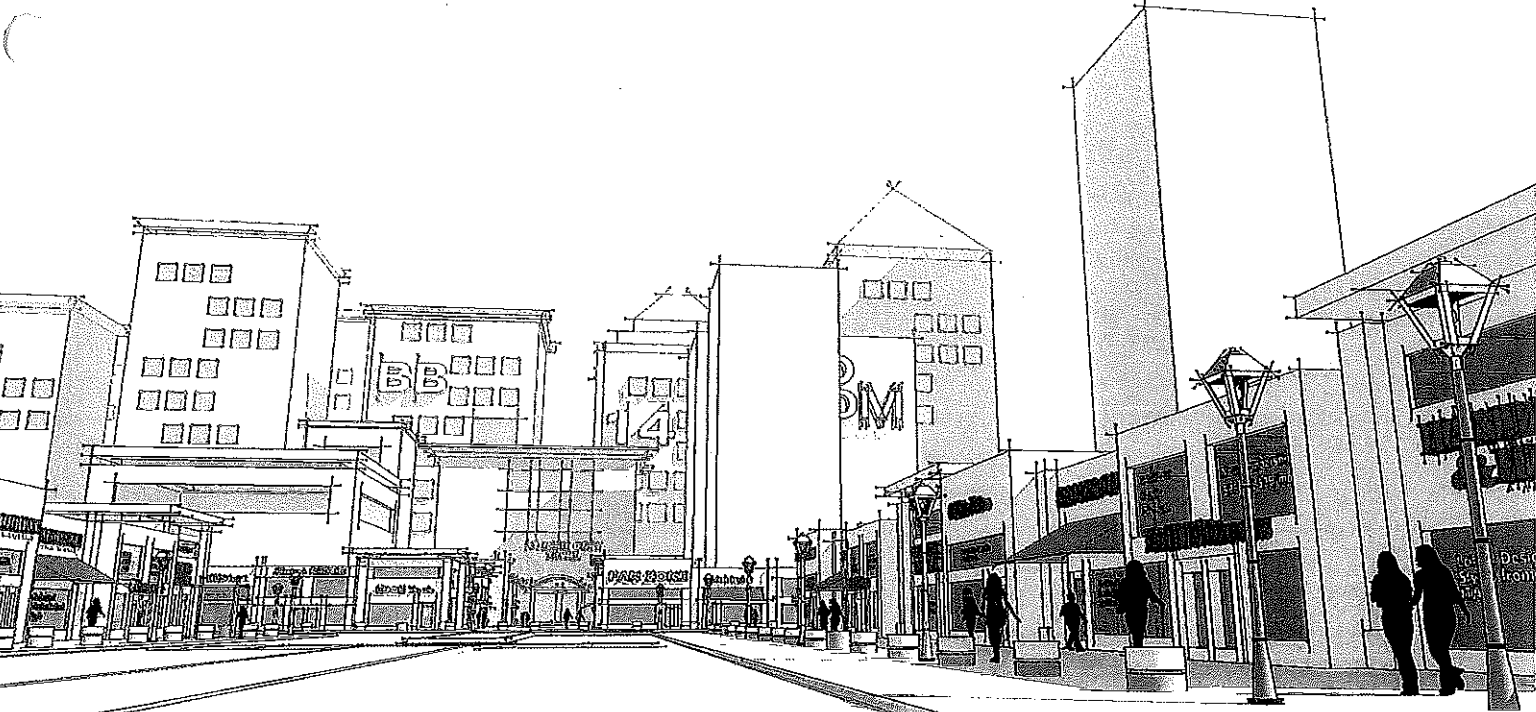
The Retail Coach proposes 12 months of retail recruitment efforts and updates to the study currently underway for \$50,000 (plus \$2500 for expenses). Effective dates are June 2014 – May 2015.

Total Amount \$52,500



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Deliverables	pg. 14
References	pg. 15
Leadership Team	pg. 17



Corporate Headquarters

P. O. Box 7272
Tupelo, MS 38802-7272
T 662.844.2155

Texas Offices

P. O. Box 90744
Austin, Texas 78709-0744
T 662.844.2155

2201 Long Prairie Road
Suite 107-143
Flower Mound, Texas 75022
T 662.231.9078

THIS AGREEMENT is made and entered into as of the _____ day of _____, 2013 by and between a limited liability entity, The Retail Coach, L.L.C. (hereinafter "TRC") and The City of McAllen, Texas (hereinafter "COM").

WITNESSETH:

WHEREAS, COM is seeking to attract retail and retail development to McAllen;

WHEREAS, TRC desires to provide assistance to COM with market research services and the assessment, development and execution of a targeted retail recruitment and development strategy for three specific sites in McAllen; and

WHEREAS, the parties hereto desire to set forth their mutual understandings and agreements regarding the services to be performed by TRC.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Project Focus

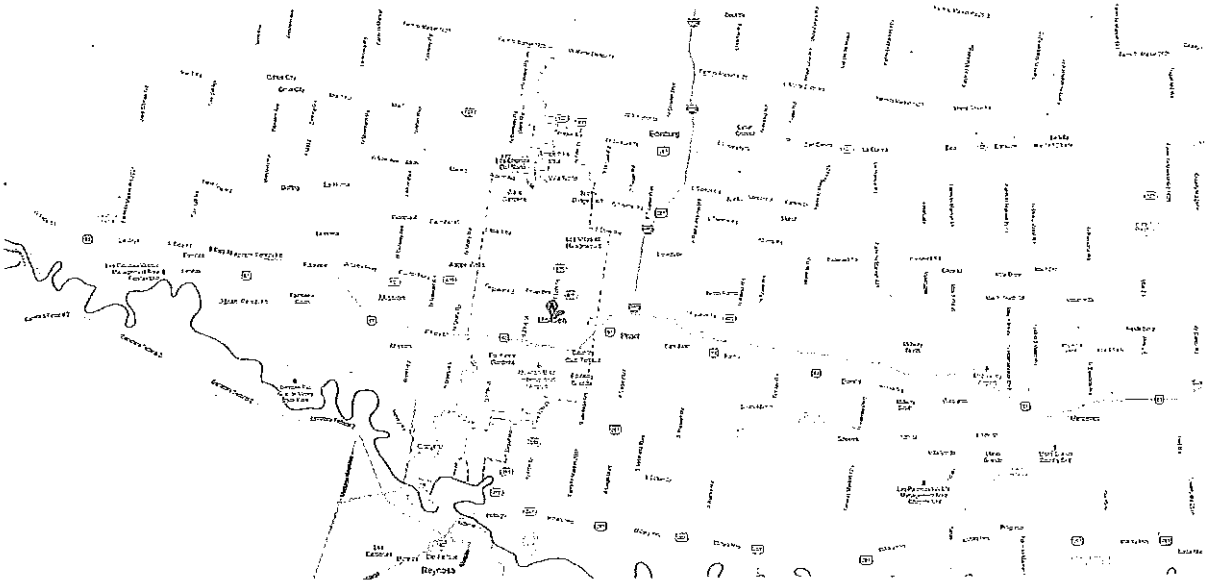
The Retail Coach will focus its work on the following three (3) McAllen sites.

1. East side of 10th Street, just north of W. Trenton Road
Parcel A – 22.44 acres
Parcel B – 20 acres
2. Southwest quadrant of Nolana Avenue and Bicentennial Boulevard (Fallek Property)
3. North side of Colbath Road, just west of Bentsen Road and south of Expressway 83 (Kamel Property – 14.49 acres)

PHASE 1

MARKET AND LOCATIONAL INTELLIGENCE

MARKET ANALYSIS | LOCATIONAL INTELLIGENCE



A market analysis will be performed to evaluate the surrounding area and McAllen. This “macro to micro” approach enables The Retail Coach to analyze economic dynamics that may impact McAllen’s retail expansion and development goals. Market specific information will be gathered to aid in identifying Retail Trade Area boundaries, potential customer bases, retail competition and retail opportunities based on retailers’ specific site selection criteria and spacing requirements.

METHODOLOGY

Area Competition Assessment

- We analyze the area surrounding McAllen and identify economic and market forces that may have a direct and significant impact on McAllen.
- We evaluate retail markets in surrounding communities (*Edinburg, Harlingen, Mercedes and Brownsville*) that compete with McAllen and document their national and regional retailers.
- We profile demographics in competing communities and look for trends that may give McAllen an advantage in its recruitment positioning efforts.
- We perform a “windshield” SWOT (Strengths, Weaknesses, Opportunity and Threats) Analysis in order to better compare McAllen to its competing communities. Our findings are used to offer specific recommendations for addressing the competition that will be summarized in the Action Plan.

PHASE 2

DEMAND ASSESSMENT

COMMUNITY ANALYTICS | CONSUMER ANALYTICS

Extensive research will be performed to provide a clear picture of the factors shaping the retail environment in McAllen including demographic, socioeconomic and psychographic profiles; the workplace population; and consumer spending patterns. An assessment of McAllen's primary retail corridors will reveal new development and redevelopment opportunities. The findings of this research combined with a Retail Gap/Opportunity Analysis calculating estimated potential sales (demand) will support the development of specific recommendations for positioning McAllen to achieve its retail expansion and development goals.

METHODOLOGY

Demographic Profile

- For each site, we produce comprehensive summary demographic profiles encompassing the Retail Trade Area and McAllen community. The profiles include the following characteristics:
 - Population and Population Growth
 - Population Trends
 - Average Annual Population Growth
 - Ethnicity
 - Income
 - Age
 - Households and Household Growth
 - Educational Attainment

Socioeconomic Profile

- We produce a comprehensive socioeconomic profile report comparing McAllen to competing communities.
- Our findings are used to identify competition factors that support the strongest positioning for recruitment success against these communities.
- The socioeconomic profile includes the following comparisons:
 - Community Population
 - Average Persons per Household
 - Median Household Income
 - Per Capita Income
 - Educational Attainment

Psychographic Profile

- For each site, we conduct a psychographic analysis of the households in the Retail Trade Area using socioeconomic and demographic data to measure consumer attitudes, values, lifestyles and purchasing behaviors to gain an understanding of the types of retailers that may be interested in McAllen.
- We create a bar graph of the 66 lifestyle classifications, highlight the dominant lifestyle segments in McAllen and provide comprehensive lifestyle segment definitions.
- We rank lifestyle segments and categorize them by summary group, segment code and segment name.

Workplace Population

- For each site, we provide an employment summary report detailing the total establishments by industry, associated establishment and employee counts.
- We provide insight into the “work here” population versus the “live here” population.
- We differentiate between the number of permanent residents within the selected geography and those who commute for work purposes.

Land Use/Development Analysis

Highest and Best Use (HBU) is defined as the use that will produce the highest value for a property. In all cases where the market value of real property is sought, that value must be based on its HBU.

- We analyze the 3 determined sites and determine their HBU.
- Our HBU recommendations are accomplished in the context of economic conditions, the vision of the community and its stakeholders, and the optimal financial impact. Site criterion includes:
 - Market Conditions
 - Retail Trade Area Population
 - Traffic Count Summary
 - Site-line Visibility (primary and secondary arterial roads)
 - Ingress/Egress (primary and secondary arterial roads)
 - Existence of Median Cuts or Possibilities
 - Traffic Signal Existence or Possibilities
 - Site Characteristics and Topography
 - Current Zoning
 - Proximity to “Anchor” Retailers/Retail Clusters
 - Workplace Population
 - Residential Support

Retail Gap/Opportunity Analysis

- For each site, we calculate estimated potential retail sales (demand) for the Retail Trade Area and compare these figures to estimated actual sales figures (supply) to estimate retail dollars “coming in” or “flowing out” of the market.

- We identify retail sales surpluses and/or leakages for 52 different retail sectors. This distinguishes the retail categories that have the highest propensity for success and quantifies their retail potential.
- We develop and provide summary tables and graphs of each retail sector illustrating potential sales versus estimated actual sales.
- We create and provide a customizable Microsoft® PowerPoint presentation containing Retail Gap/Opportunity Analysis summary information.

PHASE 3

RETAIL STRATEGIES

RETAILER MATCHING | RETAIL EXPANSION POSITIONING

With unparalleled access to national and regional retailers, we cross-reference preferred customer and site selection criteria with the findings from McAllen's area market analysis and Retail Gap/Opportunity Analysis. Customized community marketing tools and site profiles are developed to position for targeted recruitment of the retailers who are most likely to be successful in McAllen.

METHODOLOGY

Retailer Matching

For each site, we will identify regional and national retailers whose essential location factors match the sites identified in McAllen.

- We provide a preliminary list of 25 targeted retailers based on the matching of their site selection criteria to our findings from the area market analysis, competition assessment, Retail Trade Area determination, demographic and psychographic profiles, and Retail Gap/Opportunity Analysis.
- We review the preliminary target list with McAllen staff and work together to prepare a final target list of 15 unique retailers for recruitment.

Retail Expansion Positioning

We use the market insight gathered through our research in McAllen, and its specific markets, to establish the strongest position for successful retail recruitment. The first and most critical step in reaching out to targeted retailers is providing the information corporate real estate directors and site selectors need to make initial decisions about locating in McAllen.

We produce a comprehensive Retail Feasibility Package that includes:

- Community Overview
- Location and Retail Trade Area Maps
- Retail Trade Area Demographic Profile Summary
- Existing Community Retailers
- Retail Gap/Opportunity Analysis Summary Table
- Retail Trade Area Psychographic Profile
- Retail Trade Area Demographic Profile
- Community Demographic Profile
- Area Traffic Generators
- Web link to Retail Site Profiles
- McAllen Logo and Contact Information

- The content of the McAllen Retail Feasibility Package is placed on The Retail Coach's online community portal at www.theretailcoach.net. McAllen will have a custom landing page and visual, user-friendly presentation of the content.
- The content of the McAllen Retail Feasibility Package will be used to develop an engaging email campaign. The customized email will include a link to the community portal at www.theretailcoach.net. The link may also be placed on McAllen's city and economic development websites.
- We will send the Retail Feasibility Package email to targeted retailers during the recruitment phase to determine the level of interest each retailer has in McAllen.
- We provide a Retailer Recruitment Status Report that includes each retailer's complete contact information and any comments resulting from our outreach activities.

The screenshot shows a web browser window displaying the website www.theretailcoach.net/Navasota_TX. The browser's address bar shows the URL and the search engine is set to Google. The website header includes the phone number "Call Toll Free: (800) 851-0962" and social media icons for LinkedIn, Facebook, Twitter, and YouTube. The main content area features the logo "TheRetailCoach" and a navigation menu with links for Home, Retail Recruitment, Downtown Revitalization, Workshops, News, About Us, and Contact. Below the menu is a large, detailed illustration of a historic, multi-story building with a sign that reads "PROSPERITY B&C". At the bottom of the page, there are three main sections: "NAVASOTA, TEXAS DEMOGRAPHICS", a "DOWNLOAD REPORTS" button with a sub-link for "Retail Gap Analysis (186kb)", and a "RETAIL TRADE AREA" section with a map icon and the text "Lake Ridge Estates".

PHASE 4

ACTION PLAN

RECOMMENDATIONS | RETAIL ROAD MAP

The Retail Coach has differentiated itself in the industry by *moving beyond the data* to create recommendations and “next steps” that are unique to each client.

Our Retail Economic Development Plan includes customized recommendations for McAllen derived from the market intelligence gained through our in-depth research in the community during the Retail Market Assessment. These findings are combined with more than 27 years of experience in 180 other communities throughout America to create a Retail Road Map.

Looking at each site through the eyes of a retailer and developer, we will provide a Retail Road Map that ensures McAllen maintains the momentum set in motion during each completed phase of this project.

“Retail expansion is not
an event, it’s a process.”

From simply keeping community data current through The Retail Coach’s annual subscription service, to conducting special marketing programs and participating in retail industry events, the Retail Road Map will be a logical, feasible and cost-effect approach to achieving McAllen’s retail recruitment and development goals.

PHASE 5

RETAIL COACHING

Because retail expansion is a process, not an event, we offer retail coaching.

Retail coaching is a service that is unique to The Retail Coach because we know from experience that success requires tenacity and patience.

We understand that you will have questions, new ideas or just want to brainstorm with somebody who understands McAllen's opportunities and challenges.

In this regard, consider The Retail Coach as both a sounding board and an experienced resource for McAllen.

Our project team will be available via e-mail and telephone at no additional charge in an off-site advisory ("coaching") capacity as time and schedule allow.

This coaching period will begin upon completion of Phase 4 of the project, and continue for 12 months. During the coaching period, we will continue to contact targeted retailers on quarterly timeframe.

We become vested in the communities and clients we serve.

We are committed to helping McAllen achieve retail expansion and development success.

PROJECT TIMELINE & PRICING

We are available to begin this project immediately and will complete the proposed plan of work within one hundred twenty (120) business days following receipt of the fully executed agreement. A project timeline will be submitted to staff at the Kick-Off Meeting, indicating trip details and delivery dates. We will make a minimum of three trips to McAllen during the project.

Project Fees:

The total fee for completion of this work is \$60,000 payable in three installments:

1. \$20,000 upon execution of the agreement
2. \$20,000 upon completion of the Demand Analysis
3. \$20,000 upon presentation of the final strategy

Project fees are payable within 30 days after receipt of the invoice.

Should McAllen request a special assignment or additional work not specifically referenced in the contract, we will prepare a written authorization to be signed by McAllen in advance of commencing any additional work.

Reimbursable Project Expenses:

It is estimated that reimbursable expenses will be approximately \$3,000.

Reimbursable expenses include:

- Travel costs
- Cost of special renderings and maps, if any
- Cost of copies for reports and maps/drawings
- Cost of shipping expenses, if any

Project expenses are payable within 30 days after receipt of the expense invoice.

Annual Subscription Service:

We are available to perform ongoing retail outreach efforts and update all data reports on an annual basis.

McAllen Responsibilities:

McAllen will designate a project liaison who will serve as The Retail Coach's primary contact during the project.

McAllen will provide information relevant to the project such as prior retail studies, current traffic count data, surveys, maps, aerials, infrastructure plans and any other plans that may influence the development of the retail strategy. McAllen will provide city or organization logo and contact information as it should appear on all produced reports and materials to The Retail Coach upon execution of the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement as of the ____ day of _____, _____.

The Retail Coach, L.L.C.

By: _____

C. Kelly Cofer, President/CEO

City of McAllen, Texas

By: _____

DELIVERABLES

The Retail Coach will provide all reports and data files to McAllen on CD-ROM or DVD-ROM.

PHASE 1 | PHASE 2

MARKET AND LOCATIONAL INTELLIGENCE | DEMAND ANALYSIS

- 3 Retailer Interview Summaries
- 3 Results from License Plate Surveys
- Stakeholder Interview Summary
- 3 Retail Trade Area Maps with Demographic Profile
- 3 Secondary Retail Trade Area Maps with Demographic Profile
- 3 7-Minute Drive Time Maps with Demographic Profile
- 3 12-Minute Drive Time Maps with Demographic Profile
- 3 3-Mile Radial Maps with Demographic Profile
- 3 5-Mile Radial Maps with Demographic Profile
- 3 7-Mile Radial Maps with Demographic Profile
- McAllen Community Demographic Profile
- Socioeconomic Profiles
- 3 Retail Psychographic Profiles, including dominant lifestyle segmentation definitions and characteristics
- 3 Work Place & Employment Summaries
- Land Use Analysis/Development Analysis for three sites
- 3 Retail Gap/Opportunity Analyses, including a summary table and summary graphs, showing surpluses and/or leakages for the 52 retail sectors
- 3 Customizable Retail Gap/Opportunity Analyses PowerPoint presentations containing Retail Trade Area demographic profiles, summary tables and summary graphs showing surpluses and/or leakages

PHASE 3

RETAIL STRATEGIES

- 3 Target lists of retailers and restaurants along with contact information
- 3 Retailer Feasibility Packages
- 3 Customized Marketing Emails
- 3 Recruitment Status Reports based on retailer and restaurant contacts

PHASE 4

ACTION PLAN

- 3 Community and Economic Development Observations & Recommendations
- 3 Retail Road Map/Action Plans

REFERENCES

Norman Wright, ACIP

Director of Development Services

City of Columbia, Tennessee

931-560-1560

nwright@columbiatn.com

Tawni Thompson

Executive Director

Bishop Area Chamber of Commerce

Bishop, California

760-873-8405

execdir@bishopvisitor.com

Greg Fisher, CEcD

Los Alamos County, New Mexico

505-662-8296

greg.fisher@lacnm.us

Dave Quinn

Director

Bastrop Economic Development Corporation

Bastrop, Texas

512-303-9700

dave@bastropedc.org

Carolyn Gibson

Economic Development Director

City of Gonzales, Texas

830-263-0140

cgibson@cityofgonzales.com

Michelle Hill

Economic Development Specialist

Commerce City, Colorado

303-289-3730

mhill@c3gov.com

Jim Nichols

Assistant City Manager

City of Midland, Texas

432-685-7205

jnichols@midlandtexas.gov

Emily Crawford

Executive Director

Brownwood Economic Development Corporation

325-646-9600

ecrawford@ci.brownwood.tx.us

Patti Worfe

Economic Development Director

City of Angleton, Texas

979-849-4364

pworfe@angleton.tx.us

RECENT PROJECTS INCLUDE:

- City of Columbia, Tennessee
- City of Ottawa, Illinois
- Navasota Economic Development Corporation, Texas
- Town of Flower Mound, Texas
- City of Oak Ridge North, Texas
- City of Plainview, Texas
- Brenham/Washington County, Chamber of Commerce, Texas
- Canton Economic Development Corporation, Texas
- City of Angleton, Texas
- Fairview Economic Development Corporation, Texas
- City of Gonzales, Texas

THE RETAIL COACH LEADERSHIP TEAM



C. KELLY COFER, CCIM
PRESIDENT/CEO

C. Kelly Cofer leads The Retail Coach with more than 27 years of experience in all aspects of retail real estate and economic development. Mr. Cofer's professional background encompasses market research and site selection, advisory and leasing services, and property brokerage and development for leading national and regional retailers and restaurants in more than 180 cities and 22 states throughout America. Mr. Cofer has earned the prestigious Certified Commercial Investment Member (CCIM) designation from the Chicago-based Commercial Investment Real Estate Institute and has attended the Economic Development Institute at the University of Oklahoma. He holds a Bachelor of Science degree from Texas A&M University in College Station and is a guest speaker for industry organizations throughout the United States.



AARON FARMER
VICE PRESIDENT

With a degree in Marketing from The Mays Business School at Texas A&M University in College Station and an MBA from Texas A&M University – Commerce, Aaron brings to The Retail Coach knowledge of the most current research on retail and marketing trends. Prior to joining The Retail Coach, Aaron was employed in marketing research and retail development where he worked on projects for many of America's leading retailers and restaurants including FedEx, Kinko's, Sally Beauty Supply, Adidas, Concentra and the National American Association of Subway Franchises (NAASF). Mr. Farmer's expertise touches each step of a project from the initial trade area determination to the actual recruitment of retailers. A native of Keller, Texas, he is a sought after speaker for industry organizations including the Texas Municipal League and Texas Economic Development Council.



SUZANNE BROOKE
CLIENT SERVICES DIRECTOR

Suzanne Brooke supports The Retail Coach team in providing quality service to every client with more than 20 years of experience in municipal government, economic development and the commercial and residential real estate industries. She earned a Bachelor of Arts degree in Communication with a minor in Marketing at the University of Texas. Prior to launching her own consulting agency, she was Director of Communications for one of the largest real estate trade associations in the nation. Her skills encompass all aspects of advertising, public relations and editorial support.

THE RETAIL COACH LEADERSHIP TEAM (CONT.)



MARK BROOKE
DIRECTOR OF TECHNOLOGY & CREATIVE SERVICES

With a degree in Economics-Finance from the University of Texas, Mark's technology and research skills are grounded by business acumen. After graduating college in 1991 he worked as a business analyst for The Associates (now part of CitiGroup), where he began developing web-based and desktop applications. Today, Mark keeps The Retail Coach at the forefront of the technology and innovation that enable each client to achieve their retail goals. His expertise includes extensive video and print production experience for both the public and private sector.



NANCY DEES
ADMINISTRATION DIRECTOR

Nancy Dees' extensive management and accounting experience have benefited several of America's favorite retailers including Kirkland's. A number cruncher and people person who loves getting lost in data, Nancy is a perfect fit at The Retail Coach where she directs all administrative functions with efficiency and care. Nancy's previous experience as a retail buyer and store inventory control manager provides helpful insight as she assists in the retailer research performed by The Retail Coach for each project.



JOEL BERRY
DIRECTOR OF RESEARCH

Joel Berry has more than 20 years of design and technical experience with more than eight years of economic development expertise. He served in a technology-related capacity for many national and international companies such as Tandy/Radio Shack, Siemens and Ameridata Technologies. He also worked with statewide and local economic and community development entities including the Mississippi Resource Center and the Community Development Foundation (CDF) in Tupelo, Mississippi.

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

Quinta Mazatlan Nature Tourism and Marketing Plan

Requesting Amount: \$25,400

NATURE TOURISM MARKETING PLAN

Nature Tourism and Marketing are the primary focus of Quinta Mazatlan and the Nature Park. These two facilities promote environmental education, birding, walking, and ecology. To date, the City has not supported marketing for either site. Yet, birders and environmental programs are main tourism generators. Other cities have a direct investment to develop wide spread marketing to attract these specifically interested visitors to their communities and hotels.

Strategies for a marketing plan:

- Attract the general tourist looking for new adventures in the outdoors.
- Increase the attendance levels creating a spillover effect to the economics of the local community.
- Build on branding nature in our beautiful city.
- Extend the stay period for avid birders and tourists coming to the RGV.

Marketing Plan funding to include:

- Rack Cards – Develop and implement rack cards with our new message and branding theme to Travel Information Centers in Texas, CVB’s and Chambers in the RGV.
Artwork and Printing of 30,000 cards **\$ 2,500**
 - Media Placement Ads – Create and implement a short-run media plan for Avid and Recreational Birders.
Ad design & coordinating copywriting for editorials **\$3,500**
Ad Placement **\$8,000**
Total **\$11,500**
 - Social Networking Sites – High quality photos and video are important for social media. Propose a digi scope to use with an iPhone or other cell device.
Leica Sport Optics line scope body and eye piece. **\$ 2,400**
 - Image for McAllen Campaign – Develop clever slogans and complimentary visuals (original water colors) to be used in media ads, social media, t-shirts, post cards and more.
McAllen Campaign Original Images/Artwork **\$ 1,500**
 - Strengthen web Presence/Optimizing Search Engines - - Optimize the directories where search engines look for your presence.
Strengthen Web Presence & Optimize Search Engines **\$ 7,500**
- TOTAL MARKETING NATURE ATTRACTIONS IN McALLEN** **\$25,400**

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

Houston Dynamos Exhibition Game

Requesting Amount: \$15,000

DE LEON SOCCER COMPLEX GRAND OPENING

The Grand Opening of the DeLeon Soccer Complex will be August, 2014. As part of the Opening Festivities the Parks and Recreation Department along with McAllen Youth Soccer Association (MYSA) have been working with the Dynamo Professional Soccer Team to play an exhibition game at the complex. A youth soccer program will also be conducted as an invitational tournament.

This effort will require advertisement and promotional funding. The event will also require hotel rooms for the teams who would be coming to town. This event will attract individuals from south of San Antonio and Mexico to watch the Dynamos.

Budget Recommendation

1. Advertisement and promotional materials	\$10,000
2. Hotel rooms	\$ 5,000
TOTAL REQUEST	\$15,000

**Development Corporation of McAllen, Inc.
Reprogramming of \$300,000**

Palm Bowl Application Expenses

Requesting Amount: \$10,000

